

Guide for Local Administration of Virginia Department of Transportation Projects



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Commonwealth of Virginia

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**Please be advised that minor changes to this document are possible – please consult
the latest version of the GUIDE on VDOT's LOCAL ASSISTANCE web page –
www.vdot.virginia.gov/business/local-assistance.asp**

**GUIDE FOR LOCAL ADMINISTRATION OF
VIRGINIA DEPARTMENT OF TRANSPORTATION
PROJECTS**

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GUIDE FOR LOCAL ADMINISTRATION OF VIRGINIA DEPARTMENT OF TRANSPORTATION PROJECTS

I. INTRODUCTION

Various sections of the Code of Virginia provide localities the opportunity to administer projects financed by the Virginia Department of Transportation (VDOT):

- §33.1-12 allows the Commonwealth Transportation Commissioner to enter into agreements with localities, authorities, and other organizations in order to improve and maintain Virginia's transportation system.
- §33.1-75.1 allows counties to administer Revenue Sharing projects under certain circumstances.
- §33.1-75.3 allows counties to administer primary highway and secondary highway projects.

When a locality chooses to take advantage of this opportunity, it must adhere to Commonwealth Transportation Board (CTB) policies and procedures, as well as federal regulations when federal funds are included in the project funding. Compliance with state and federal requirements is a legal obligation.

For all locally administered projects, a project administration agreement is required between the locality and VDOT. This agreement spells out the terms for a locality to administer a specific project. Initiation of local administration of a project begins with the submission to and approval by the Chief Engineer of a [Request To Administer](#) (RTA) form. Upon approval of the RTA, the VDOT Urban Program Manager/Project Coordinator and the Local Assistance Division (LAD) working with the locality begin the preparation of a [project administration agreement](#). The preferred project administration agreement is the **Standard Project Administration Agreement (Super Agreement)** which can be used for all locally administered projects regardless of fund source. This standard agreement has been approved by the Office of the Attorney General for this purpose and its use does not require additional approvals unless modifications are made. This agreement includes an Appendix in which project specifics are detailed. Copies of the RTA form and the **Standard Project Administration Agreement (Super Agreement)** are found in Appendix A of this document.

Localities should be aware that any work conducted prior to the execution of a project administration agreement between the locality and the department is not be eligible for reimbursement.

This Guide has been developed by the Virginia Department of Transportation (VDOT) - Local Assistance Division (LAD) to provide background information, direction, and requirements to those localities choosing to administer projects. The LAD should be contacted with program level questions or comments. Information on specific project funding programs can be found on the LAD website at <http://www.virginiadot.org/business/local-assistance.asp>. Project specific questions

should be directed to the VDOT Project Coordinator assigned to the project. A Project Coordinator is the VDOT official who serves as the locality's primary contact with respect to a particular project and generally works at the local VDOT District office. [Contact information](#) for VDOT officials who may be involved in the various phases of a project is included in Appendix B of this document.

These guidelines are separated into the three major phases of a normal project – preliminary engineering (PE), right of way (RW), and construction (CN). They are further separated, as appropriate, into a discussion of federally funded and state funded only projects by subject matter. These guidelines are not meant to stand alone. The user is encouraged to read these guidelines, consider them in their entirety, and to seek further guidance or assistance as necessary either through the references listed, by contacting the VDOT Project Coordinator, or by contacting LAD. An outline of the Summary of Requirements for administering a project is included in Appendix C. Appendix D is a flow chart depicting the likely steps for a one-hearing process for federal project development. Appendix E is a [checklist for locally administered projects](#). The VDOT Project Coordinator will identify those items in the checklist applicable to the project after the project agreement has been executed. The locality will check off the applicable items documenting that they have been completed. The checklist should be completed as milestones are achieved as it may need to be submitted to the project coordinator upon request. Upon completion of the project the checklist must be signed by the locality representative and made a part of the project file. The checklist applies to all projects, however items which are italicized are not necessary for projects funded with 100% state funds. The checklist is mandatory for federal projects and strongly recommended for state funded projects.

It should also be noted that many of VDOT's programs have a local match component which varies with the program type. All funding sources and match requirements will be detailed in the agreement appendix. There are also additional specific guidance documents for projects funded through special programs such as the [Enhancement Program](#) and [Urban Program](#). These programs have procedures that may differ from those outlined in this Guide and project sponsors undertaking Enhancement Projects or Urban Projects are directed to consult those specific manuals. Any applicable special funding program guidelines will be identified in the Appendix of the agreement.

This Guide will be periodically updated as more experience is gained by VDOT and localities in administering local projects. The most current version will be available on VDOT's Website. The latest version of these guidelines should always be consulted prior to initiating a project.

II. [PRELIMINARY ENGINEERING](#)

A. [Project Initiation & Authorization](#)

Federally Funded Projects

Ensuring that a project is funded appropriately and included in all required financing plans as well as the locality's Comprehensive Plan and Capital Improvement Plan is essential for avoiding unnecessary project delays. The locality is responsible for

coordinating with VDOT so that the project's correct phase is included in the approved State Transportation Improvement Plan (STIP), and where appropriate, in the Metropolitan Planning Organization's (MPO's) Financially Constrained Long Range Transportation Plan and in the MPO's Financially Constrained Transportation Improvement Program. It must also be included in either the Secondary Six-Year Plan (SSYP) or the [CTB's Six Year Improvement Program \(SYIP\)](#). Localities administering VDOT projects are provided access to the external Project Cost Estimating System (PCES) and need to provide updates of estimates every 90 days.

Before a locality can initiate work on the Preliminary Engineering (PE), Right of Way (RW), or Construction (CN) Phase for federally funded projects, it must contact the VDOT Project Coordinator to formally request that VDOT obtain a federal agreement to obligate funds for a particular phase of work and to receive authorization to proceed with the project. No work should proceed prior to federal authorization approval or federal participation will be jeopardized.

The locality must submit the amount of funding to be placed under agreement for a particular phase, and if it is different from that shown in the SSYP/SYIP, an explanation must be included in the submission. This explanation shall include a listing of proposed sources for any additional funding.

Once a request containing all of the required information noted above is submitted, a normal federal agreement takes ten (10) business days to complete. It is important that the locality **not** incur any expenses until authorization from the Federal Highway Administration (FHWA) is received by VDOT. **This same process needs to be repeated to obtain federal authorization for each new phase.** Localities need to be cognizant of whether a locally administered project is a "Federal Oversight" project or not, as these types of projects will have additional FHWA oversight requirements.

For urban projects, initiating PE on a project requires submission of a copy of the municipality's programming resolution asking VDOT to establish the project and committing the municipality's local match, if such match is required. A [sample project resolution](#) is included in Appendix F. A resolution that includes all of a municipality's projects may be submitted in lieu of individual project resolutions.

If a locality desires to pursue a project under the Design-Build concept or the Public Private Transportation Act (PPTA), there may be requirements that differ from those in this guide. In these cases, the Project Coordinator should be contacted before initiating a project under either of these scenarios. Additional information on Design-Build is available in VDOT's [Design-Build Procurement Manual](#) available on the VDOT web site. Additional assistance is available in the PPTA guidelines on the [Innovative Project Delivery](#) website.

Federal Reference – 23 CFR 630 and 23 CFR 627

State Funded Only Projects

For projects funded exclusively with state allocations, receipt of a federal agreement is not necessary and STIP inclusion is only required for regionally significant projects in designated air-quality non-attainment/maintenance areas. Allocations for projects must be programmed in the appropriate manner (either included in the SSYP, SYIP, revenue sharing plan, or CTB resolution). A request for PE authorization must be submitted to the VDOT Project Coordinator, and the locality must not incur project costs until state authorization is received. A project programming resolution is still required for municipalities.

State Reference – §§ 51.5-40 and 33.1-18 of the Code of Virginia

B. Environmental Processes

Federally Funded Projects

A detailed discussion of [environmental requirements](http://www.virginiadot.org/business/bu-environmentalRequirements.asp) for federally funded projects is included in Appendix G. In addition, VDOT's website provides additional guidance and technical assistance on environmental requirements by project type. Localities are urged to consult the website for the most current requirements.

<http://www.virginiadot.org/business/bu-environmentalRequirements.asp>

State Funded Only Projects

A detailed discussion of [environmental requirements](http://www.virginiadot.org/business/bu-environmentalRequirements.asp) for state funded only projects is included in Appendix G. In addition, VDOT's website provides additional guidance and technical assistance on environmental requirements by project type. Localities are urged to consult the website for the most current requirements.

<http://www.virginiadot.org/business/bu-environmentalRequirements.asp>

C. Consultant Procurement

Federally Funded Projects

A locality may decide to augment its staff by procuring a professional services consultant. The locality, as the recipient of the state or federal funds, is responsible for adhering to all applicable federal and state requirements, including state and federal procurement and civil rights laws. It is recommended that the VDOT project coordinator be consulted during consultant procurement to ensure that all requirements are met. VDOT's Civil Rights Division must be given the opportunity to review a Request for Proposal prior to its release. A pre-award audit, to include a Federal Acquisition Regulation audit (FAR) is required prior to award for consultant services. VDOT will also review the consultant qualifications and scope of services for environmental work prior to award (see Appendix K for additional details). VDOT is available to assist in consultant selection if requested. VDOT's [*Manual for the Procurement and Management of Professional Services*](#) has been approved by FHWA and the process outlined by the manual shall be utilized by a locality when procuring such services. If a locality elects to develop and utilize its own procurement guidelines, they must be pre-approved by VDOT and subsequently by FHWA.

Federal Reference – 23 CFR 172

State Funded Only Projects

Same as Federally Funded Projects – please see above.

State Reference – Chapter 43, Section 2.2 of the Code of Virginia

D. [Value Engineering](#)

Federally Funded Projects

Federal regulations outline requirements for value engineering (VE) studies and the Code of Virginia requires a VE study on all projects exceeding \$5 million in construction cost. Since VDOT is responsible for conducting these studies, all reports must be submitted to VDOT. There is a provision for waiver of this requirement which must be submitted to VDOT for approval. The VE report consists of recommendations for changes to the proposed project. While the locality is encouraged to be actively involved in the VE process, the final decision as to which recommendations are to be incorporated into the final project is made by the Chief Engineer.

Federal Reference – 23 CFR 627

State Funded Only Projects

Same as Federally Funded Projects – please see above.

State Reference – §33.1-190.1 of the Code of Virginia

E. [Location Approval](#)

Federally Funded Projects

State law requires the CTB to approve all **new** road alignments. In these cases CTB design approval is not required. VDOT will be responsible for coordination with FHWA where needed. VDOT's "[Public Involvement Policy and Procedure Manual](#)" details the format and the type of information to be submitted in order for the CTB to evaluate such requests.

The CTB meets on the third Thursday of those months in which it holds a meeting, so the length of time required to get a decision will depend on when in the month the information is received and whether or not the CTB is holding a meeting that month. A [schedule of meeting dates](#) for the Commonwealth Transportation Board is available on VDOT's Internet site. The locality's recommendation, including resolutions and public hearing transcripts shall be submitted to VDOT no less than two months prior to the CTB meeting where the matter is to be considered. The locality should arrange to have a representative present at the CTB meeting at which location approval is being considered in order to answer any questions which may arise.

Federal Reference – 23 CFR 771

State Funded Only Projects

Same as Federally Funded Projects – please see above.

State Reference – §§ 33.1-12 and 33.1-18 of the Code of Virginia

F. Plan Development and Review

Federally Funded Projects

The locality must design a project so that it meets the appropriate minimum standard: work on facilities that will be maintained by VDOT shall meet or exceed VDOT standards, whereas work on facilities that will be maintained by the locality shall meet American Association of State Highway and Transportation Officials (AASHTO) or appropriate supplementary standards as may be agreed upon by VDOT and FHWA. A locality may develop different standards and specifications which meet or exceed VDOT or AASHTO standards; however, before they can be utilized for VDOT and/or Federally funded projects they shall be reviewed and approved by both VDOT and FHWA. The locality shall ensure that design flexibility does not jeopardize safety and mobility.

VDOT is committed to accommodating bicyclists and pedestrians, including pedestrians with disabilities, along with motorized transportation modes in the planning, funding, design, construction, operation, and maintenance of Virginia's transportation network to achieve a safe, effective, and balanced multimodal transportation system. The Commonwealth Transportation Board policy on pedestrian and bicycle accommodations states that all highway projects will be initiated with the presumption that the projects shall accommodate bicycling and walking. The locality shall consider bicycle/pedestrian accommodations at the scoping meeting in accordance with VDOT CTB Policy and shall document such consideration as a part of the project file.

VDOT is required by FHWA to certify that all plans have been developed in accordance with applicable federal and state laws and regulations. To accomplish this, VDOT's Project Coordinator should, at a minimum, attend the project scoping meeting and pre-advertisement conference to gain an understanding of the project and to offer advice, guidance, and consultation. Generally, plans should be reviewed by VDOT prior to the public hearing, before right of way acquisition, and prior to advertisement, or at the 30%, 60% and 90% plan development stages, to eliminate any potential conflicts. For projects of significant complexity or with ADT's > 10,000 vpd, there are typically five milestone meetings during VDOT's project development process: a scoping, a preliminary field inspection, a public hearing team meeting, a field inspection, and a pre-advertisement conference. The scope and complexity of the project will drive the number of reviews and milestone meetings that are necessary. The locality project manager and the VDOT project coordinator will, together, make the final determination regarding the number of reviews and project

meetings. All but the simplest projects should incorporate constructability reviews at the appropriate stages of plan development. Location and Design Division's [Informational and Instructional Memorandum 216.6 "Locality Designed Projects"](#) and 226.2 "Preliminary Engineering Project Development Process" provide further guidance on design development and plan coordination and should be consulted.

Reviews focus on relative completeness of the plans, comprehensiveness, constructability, and adherence to sound engineering practices and principles and will not focus on format, packaging, etc. VDOT will not be looking at "format" issues, per se, but at what makes the plans have value for subsequent advertisement and construction of the project. At project milestones which require review by the VDOT Project Coordinator, the locality shall submit to VDOT a copy of bridge and road plans in an electronic format (tag image files-".tif") to facilitate the review process. To facilitate plan review, all plans submitted need to include form [LD 436](#).

VDOT has a number of manuals available through its web site, using the business networks tab, which would be helpful and should be consulted during project design. A [list of these publications](#) is included in Appendix H. As previously mentioned, a [checklist](#) depicting the steps necessary for project development for locality projects is included in Appendix E.

In addition, VDOT has policies and procedures regarding lighting, underground installation of utilities, and landscaping, in reference to plan development noted in [Appendix H](#). Exceptions to these policies and procedures may be granted by VDOT on a case-by-case basis.

For projects that are expected to utilize federal BR (bridge) funding, sufficient information must be submitted to VDOT early in the design process so that a preliminary determination of bridge touchdown points can be made. Once plans are finalized, a final determination will be made. Bridge limits/touchdown point determination is used for calculating federal BR funding and the assignment of bridge job numbers to projects.

State Funded Only Projects

Same as for Federally Funded Projects, except for references to federal certification requirement and federal locality design standards and specifications approval – please see above.

G. [Design Exceptions](#)

Federally Funded Projects

For various reasons, it occasionally becomes necessary to pursue an exception to minimum AASHTO or state standards.

When an exception is needed, the locality shall submit a request to VDOT's State Location and Design Engineer or the State Structure and Bridge Engineer as appropriate on [Form LD-440](#), included in Appendix I, through the Project Coordinator. The request should include reasons and justifications for the exception. Reference [IIM-LD-227.1](#) discusses requirements for processing design exceptions. Approval from the FHWA is required for design exceptions for National Highway System projects and for federal oversight projects. All approved design exceptions shall be shown on the plan assembly title sheet.

Federal Reference – Title 23, US Code 109 and 23 CFR 625

State Funded Only Projects

Same as for Federally Funded Projects, except for FHWA approval – please see above.

H. [Public Involvement](#)

Federally Funded Projects

Each locality is responsible for ensuring that the opportunity for public involvement is provided in accordance with the Department's ["Public Involvement Policy and Procedure Manual."](#) The term "public involvement" is meant to be all-encompassing including those instances where a willingness notice is justified. Some projects will require a two-hearing process while others may only need one hearing. [Department Policy Memorandum \(DPM\) 11.1](#), which is based on the Code of Virginia, details which types of public hearings are required for which projects.

Federal Regulations require each state to have procedures approved by the FHWA to carry out a public involvement/public hearing program. This requirement includes submission to the FHWA of a transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered. The transcript must be accompanied by copies of all written statements from the public, both submitted at the public hearing and during an announced period after the public hearing, along with the locality's response to the public's questions and statements. These requirements are covered in VDOT's ["Public Involvement Policy and Procedure Manual."](#)

Federal Reference – 23 USC 128, 23 CFR 771, and 40 CFR parts 1500 through 1508

State Funded Only Projects

Same as Federally Funded Projects, except transcript and certification submission to FHWA – please see above.

State Reference – §§ 51.5-40 and 33.1-18 of the Code of Virginia

III. [RIGHT OF WAY](#)

Right of Way and utility activities for VDOT projects that are locally administered shall comply with Volumes I and II of the [Manual of Instructions, Right of Way and Utilities Division](#) and the Uniform Relocation Act unless the locality develops its own manual and that manual receives approval from VDOT and the FHWA.

A. [Environmental Re-evaluation \(Right of Way Phase\)](#)

Federally Funded Projects

VDOT re-evaluates environmental documentation prior to requests for FHWA RW and CN phase authorizations where FHWA funds are utilized for these phases. The re-evaluation ensures that the environmental document adequately addresses the project as designed. This re-evaluation is known as the "RW re-evaluation" (see form EQ-201). The re-evaluation at RW determines that the right of way proposed for acquisition is consistent with the alignment evaluated in the original environmental document. If the re-evaluation identifies a difference between the project as designed and the previously approved environmental document, consultation with FHWA is required to determine the need for additional study. The design inconsistency needs to be satisfactorily addressed before right of way funds can be authorized and may result in additional coordination efforts by the locality. In some cases, a new public hearing or new environmental document may be required.

The locality is responsible for providing to VDOT's Project Coordinator all data and documentation (see [Appendix G](#)) necessary for performance of the environmental document re-evaluation prior to RW authorization ([See LD-441](#)). VDOT will subsequently submit its analysis to FHWA for concurrence and RW authorization.

Federal Reference – 23 CFR 771

State Funded Only Projects

No environmental re-evaluation is required.

B. [Right of Way Re-evaluation](#)

Federally and State Funded Projects

Along with a request for RW phase authorization, the locality must complete and submit a RW-301 form to the VDOT Project Coordinator for approval. The Right of Way and Utilities Division's Project Scheduling and Certification Section will enter the information into the Right-of-Way Utility Management System (RUMS). A copy of the [RW-301](#) is available in Appendix J.

C. [Right of Way Authorization](#)

Federally Funded Projects

When the locality is ready to initiate the RW phase for a federal project, a request shall be submitted to VDOT's Project Coordinator. The locality will need to submit copies of final right of way plans, the information necessary for VDOT to complete the environmental re-evaluation, a cost estimate, the cost for utilities (broken down by utility company for cost accounting purposes) and, if additional funds are needed other than those shown in the SSYP or SYIP, a source for these funds needs to be identified. VDOT's Project Coordinator will then initiate the RW evaluation process and the District RW and Utilities Manager will contact the locality's Project Manager to discuss right of way requirements and the project schedule. Section 9.1.3 of Volume I, [Manual of Instructions, Right of Way and Utilities Division](#) provides further guidance.

Normally, RW authorization will take ten (10) business days. It is imperative for the locality **not** to incur any right of way expenses until federal authorization, as costs incurred prior to federal authorization **shall not** be reimbursed and will be the responsibility of the locality. Please note that if the locality incurs RW expense prior to FHWA authorization, they risk loss of federal participation in the project.

By signature of a person of responsible charge from the locality, the locality certifies on the title sheet of the plans that the plans are complete for the acquisition of rights-of-way and the relocation of utilities.

State Funded Only Projects

Same as Federally Funded Projects, except that no environmental re-evaluation is required – please see above.

D. [Land Acquisition Policies and Guidelines](#)

Federally Funded Projects

The locality must **not** begin the purchase of right of way until authorization is received from VDOT. The purchase of right of way, the relocation of families, businesses, farms, and nonprofit organizations, and utilities must be performed in accordance with the procedures outlined in the Code of Virginia and federal regulations as referenced below. Failure to follow these steps may result in the loss of funding participation and failure by the courts system to approve any eminent domain acquisition to obtain the needed right of way.

VDOT's [Manual of Instructions, Right of Way and Utilities Division](#) outlines these procedures and is incorporated by reference. A hard copy of this manual can be obtained by contacting the Right of Way and Utilities Division directly. Advance RW and protective purchases are discussed in the manual, and a locality is subject to strict rules for reimbursement from both VDOT and FHWA. There may be instances where the direction outlined in the manual cannot legally be followed by the locality.

In these cases, the locality should work with the VDOT Project Coordinator so that any deviation of procedures is approved in writing by VDOT prior to initiation.

The locality is responsible for identifying and addressing all hazardous materials-related issues for projects. This information is documented and given to the VDOT Project Coordinator in the Hazardous Materials Due Diligence Certification form (EQ-121). By submitting the EQ-121, the locality certifies that it has conducted adequate due diligence and that all appropriate records are in its possession and available for review. It is not necessary that all hazardous materials issues be resolved prior to submission of the form, however a plan must be in place to ensure resolution. The form must be submitted prior to RW authorization. All properties to be utilized as RW shall receive an appropriate level of study including any locality-owned, proffered, or donated properties. The locality must also communicate any outstanding contamination issues to its construction contractors to ensure adequate precautions are taken in order to provide safe working conditions.

Federal Reference – 49 CFR 24, CFR 23 and 40

State Funded Only Projects

Same as Federally Funded Projects – please see above.

State Reference – Title 25.1 and 33.1 of the Code of Virginia

E. Utility Relocation

Federally and State Funded Projects

Under state law, private utility companies may be reimbursed for moving utilities in conflict with the project, at project expense, when they have been located on easement or have prior rights in the existing location. It is also recognized that some localities have franchise agreements with utility companies that require the company to move its utility because of a project, at the company's expense. In that case, the locality shall enforce the terms of its agreements in order to save project funds.

In order to pay for utility adjustments at project expense, a detailed utility plan and cost estimate needs to be prepared. Eligible project expenses for utilities basically result in the in-kind replacement of any utilities that are in conflict with the project. Prior to July 1, 2006, all utility relocations that are to be reimbursed as a project cost shall be authorized by the District Utility Engineer. **Effective July 1, 2006**, as provided for in the Code of Virginia, any county without an existing utility franchise agreement when administering a VDOT sanctioned project under a land use permit or transportation project agreement shall have the same authority as the Department pertaining to the relocation of utilities. Where VDOT has direct control of project funds, VDOT will directly reimburse the utility for eligible expenses. In accordance with the above, it is recognized that in some instances the locality's utility facility owner may want to provide upgraded utilities or to put in new utilities while the highway is being disturbed for construction purposes. This is known as

"betterment," and is generally not an eligible project cost. It makes sense to do this betterment work at the same time the project is being constructed, so the contractor may perform the work during construction, with the utility facility owner being responsible for the cost of the betterment portion from a different funding source.

Utility relocations have to be viewed as regional efforts, since all utility relocations within a region compete for a utility's time and resources. In order to accomplish efficient coordination of effort, the locality must prepare a realistic schedule and actively communicate its plans with the VDOT Project Coordinator.

Federal Reference – 23 CFR 645

State Reference – §§ 33.1-44, 33.1-55 and 56, 33.1-69.2, 33.1-269, 33.1-301, and 56-570 of the Code of Virginia

IV. **CONSTRUCTION**

A. **Environmental Re-evaluation (Construction Phase)**

Federally Funded Projects

As is the case when moving from the preliminary engineering phase (plans, specifications and estimates) to the right-of way phase, a re-evaluation of the environmental document shall occur when a project progresses to the construction phase. The same conditions apply concerning changes in a project's scope that could require additional coordination efforts by the locality. The locality is responsible for providing VDOT with the data necessary to perform the re-evaluation ([LD-442 Form](#)). A copy of the plans must be submitted to the VDOT Project Coordinator so that the re-evaluation may be completed and forwarded for approval to FHWA. This re-evaluation is referred to as the "PS&E re-evaluation" (see form [EQ-200](#)). For additional information see [Appendix G](#). If the re-evaluation determines a difference between the proposed project and the previously approved environmental document, consultation with FHWA will determine the need for further study.

Federal Reference – 23 CFR 771.129(c)

State Funded Only Projects

No re-evaluation is required.

B. **Environmental Certification**

Federally Funded Projects

All projects, regardless of funding source, require review and certification by the VDOT District Environmental Manager indicating that all environmental activities necessary to advertise a project for construction have been completed by the Locality. This certification must occur prior to authorization for advertisement and is included in [the checklist](#) discussed in Appendix K. VDOT's Project Coordinator will submit an [LD-442](#) to the District Environmental Manager to request the certification. In addition to the environmental documentation, forms EQ-121 and EQ-555 (see

Appendix G) are also required from the locality for VDOT to complete this certification. The certification is done in conjunction with the PS&E re-evaluation. The District Environmental Manager will notify the VDOT Project Coordinator when the Environmental Certification has been completed. Environmental Certification is documented for VDOT in form [EQ-103](#).

Federal Reference – 23 CFR 771

State Funded Only Projects

Same as Federally Funded Projects – please see above.

State Reference – §10.1-1188 (Article 2) of the Code of Virginia

C. [Right-of-Way and Utilities Certification](#)

Federally Funded Projects

Prior to requesting authorization to advertise a project for construction, the locality must submit a letter and Appendix K of this Guide to the VDOT Project Coordinator stating that all right of way has been acquired (including all relocations and building structures) and all utilities have been relocated (or provision for relocation has been made in the construction of the project) or that construction is going to take place on existing right of way and no utilities are effected. In addition, a statement must be included providing information on railroad involvement. The Project Coordinator will provide this information to the District Right of Way Manager, who will forward this letter to the Right of Way and Utilities Division so that the project can be certified for advertisement.

State Funded Only Projects

Same as Federally Funded Projects – please see above.

D. [Construction Authorization](#)

Federally Funded Projects

When a federal project is ready to be advertised for construction, the project must first receive the project advertisement (construction) authorization from FHWA. The locality will be notified by VDOT once this authorization is received. FHWA Criteria for Construction Authorization, Appendix L, lists the information that the locality must submit to VDOT's Project Coordinator. In addition the locality must certify that the criteria contained in the [procurement checklist](#), Appendix M, have been met. Also, if additional funds are needed from those shown in the SSYP or SYIP, a source needs to be identified. Normally it takes fifteen (15) business days to obtain federal authorization for a project's advertisement. The authorization will usually occur within the 60-90 day window for VDOT review of the completed bid package as noted in Section E, "Advertisement – Contract Letting." It is important for the locality not to advertise the project until authorization is received, as **any costs incurred prior to authorization will not be reimbursed**. Please note that if the locality

incurs construction expense prior to FHWA authorization they risk loss of federal participation in the project.

By signature of a person of responsible charge from the locality, the locality shall certify on the title sheets that the plans are complete, constructible, and biddable (ready for contract advertisement), the necessary right-of-way has been addressed and accounted for, and all permits necessary for construction have been obtained. The locality is also certifying, by the signature, that the plans were prepared by staff or consultants that exercised the appropriate standard of care and followed accepted standards, procedures, policies, methods of practice, etc., that are consistent with the engineering and design of plans for such work. The plans shall be signed and sealed by a professional engineer in responsible charge of the work who shall be duly registered to practice engineering in the Commonwealth of Virginia.

Federal Reference – 23 CFR 635

State Funded Only Projects

When the locality is ready to initiate the construction phase, the locality must submit a pre-construction package containing items 3-7 and 9 of Appendix L - [FHWA](#) Criteria for Construction Authorization to the VDOT Project Coordinator.

By signature of a person of responsible charge from the locality, the locality shall certify on the title sheets that the plans are complete, constructible, biddable (ready for contract advertisement), necessary right-of-way has been addressed and accounted for, and all permits necessary for construction have been obtained by the locality. The locality is also certifying by the signature that the plans were prepared by staff or consultants that exercised the appropriate standard of care and followed accepted standards, procedures, policies, methods of practice, etc., that are consistent with the engineering and design of plans for such work. The plans shall be signed and sealed by a professional engineer in responsible charge of the work who shall be duly registered to practice engineering in the Commonwealth of Virginia.

E. [Advertisement – Contract Letting](#)

Federally Funded Projects

The locality is responsible for following all federal and state procurement laws and requirements in the letting of a contract. VDOT can provide information on requirements for projects and provide assistance as necessary. The pre-advertisement conference provides an opportunity to resolve any questions or conflicts which may arise. **The locality must submit to VDOT's Project Coordinator the bid documents, estimate and plans, if applicable for review 60-90 days prior to advertisement.** A list entitled "[Advertisement & Award for Construction](#)" is included in Appendix N as a guide. In addition special regulations must be addressed, such as: Civil Rights, Disadvantaged Business Enterprise (DBE), Davis Bacon rates, Buy America, no vendor negotiations, and 21-day advertisements. The [Virginia Public Procurement Act](#) discusses the state

requirements for such items as how a project is to be advertised, how a selection is to be made, bonding, insurance, and audits. For your convenience a [procurement checklist](#) has been provided in Appendix M. Current state law requires the CTB to award all contracts above \$2 million in value. The Commissioner can award contracts under \$2 million in value. A [checklist](#) has been developed, Appendix K, depicting the criteria that must be certified by the locality before a contract is advertised.

By signature of a person of responsible charge from the locality, the locality shall certify on the title sheets that the plans are complete, constructible, biddable (ready for contract advertisement), necessary right-of-way has been addressed and accounted for, and all permits necessary for construction have been obtained by the locality. The locality is also certifying by the signature that the plans were prepared by staff or consultants that exercised the appropriate standard of care and followed accepted standards, procedures, policies, methods of practice, etc., that are consistent with the engineering and design of plans for such work. The plans shall be signed and sealed by a professional engineer in responsible charge of the work who shall be duly registered to practice engineering in the Commonwealth of Virginia.

The Code of Virginia provides that projects of under \$300,000 may be constructed by state forces, therefore local forces may be used for such work as well, provided a "Finding of Cost Effectiveness" is submitted to VDOT's Project Coordinator and is subsequently approved by the FHWA. **The locality must not begin construction work utilizing its own forces until such time as it has received approval to do so from the Project Coordinator.**

Please note that effective July 1, 2006, § 33.1-190 of the Code of Virginia provides that state and or locality employees may be used for construction of projects estimated at \$300,000 or less. In addition the CTB may enter into an agreement with a locality to construct or maintain any roads in the system of state highways provided the locality has obtained a cost estimate of not less than \$300,000 or more than \$650,000 and the locality has received fewer than two bids from private entities to perform such work. A "Finding of Cost Effectiveness" shall be submitted to VDOT's Project Coordinator and subsequently approved by FHWA. Federal Reference – 23 CFR 635

State Funded Only Projects

Same as Federally Funded Projects with the exception of the special federal regulations discussed above and a "Finding of Cost Effectiveness" is not required for use of a locality's forces to construct a project. However, if a locality requests authority to perform construction work utilizing its own forces, the request shall be evaluated in the same manner that VDOT evaluates requests to perform work with state forces, including the requirement that a cost benefit analysis be prepared which indicates that using locality forces results in lower cost and equal or faster project completion than the competitive bid process. The cost benefit analysis and supporting documentation shall be submitted to VDOT's Project Coordinator. **The locality should not begin construction work utilizing its own forces until**

such time as it has received approval to do so from the Project Coordinator.

When the locality is ready for the CTB or the Commissioner to award the project, the request should be submitted to VDOT's Project Coordinator, with a cover letter signed by a person of responsible charge from the locality, certifying that all state environmental, design, right-of-way, fiscal and civil rights regulations outlined in [checklist](#) in Appendix K have been met.

State Reference – §§ 2.2-4300, 2.2-4303, 2.2-4315, 33.1-12, and 33.1-190

F. [Sole Source and Proprietary Procurement](#)

Federally and State Funded Projects

Sole Source and Proprietary procurements are often confused. A sole source is when there is only one practicable source available. Competition is not available. It is very rare that any highway item or work is from a sole source. Occasionally, proprietary products are required in highway work, usually having to do with signal or technology products. Proprietary products are when an item is available from only one *source*, but are sold by a number of *vendors*. Competition between vendors is possible. The law treats them very differently. Sole source may require executive authorization. Where a locality is considering sole source procurement, it shall coordinate and receive concurrence from VDOT prior to proceeding.

For proprietary items, State laws allow for products that are equal to brand names unless the Invitation to Bid states specifically that only the brand name is acceptable. Guidance is available in the [State Agency Procurement Manual](#), Chapter 8. In the case of Federally Funded projects, both Sole Source and Proprietary procurements are considered restrictive and require the concurrence of the Federal Highway Division Administrator. Guidance can be obtained from the [FHWA Contract Administration Reference Guide](#) on Patented/Proprietary Products and in Federal regulations.

G. [Permits](#)

Federally and State Funded Projects

The locality is responsible for obtaining and complying with all necessary regulatory approvals, permits, and licenses for each project, which may include United States Coast Guard permits over navigable waterways and Army Corps of Engineers (ACOE) permits for impacts to waters of the United States (streams and wetlands) and any other permits issued by state agencies. The locality must design its projects in accordance with the laws, regulations, and policies referenced below. Unless otherwise agreed to, VDOT will **not** be involved in the locality's efforts to obtain the regulatory approvals, permits, or licenses. Copies of the Compliance Document must be submitted to the VDOT Project Coordinator in order to receive environmental certification of the project. This compliance should be documented for VDOT by the locality on the Water Quality and Natural Resources Due Diligence certification form ([EQ-555](#); see [Appendix G](#)).

Before a locality can begin work on a roadway that is part of the interstate, primary, or secondary system of highways, it must secure a land use permit from VDOT. This permit is issued through the VDOT Residency and in many cases, will be issued at no cost.

Federal Reference – 33 USC 1341, 33 USC 1344, 33 USC 403, 16 USC 1531, 40 CFR 122, et al.

State Reference – Virginia Erosion and Sediment Control Law and Regulations, §10.1-561 et seq. and 4VAC50-30-10 et seq., Virginia Stormwater Management Law and Regulations, §10.1-603.1 et seq. and 4VAC3-20-10 et seq., Virginia Pollutant Discharge Elimination System Permits, Section 62.1-44.15.5 Chesapeake Bay Preservation Act, and 24VAC30-151-10 et seq.

H. Construction Environmental Monitoring

Federally Funded Projects

The locality is responsible for ensuring all environmental commitments made to agencies through the SERP process are implemented at the appropriate time. Federal regulations require that VDOT monitor construction to ensure all environmental commitments made in the NEPA document process are implemented.

Federal Reference – 23 CFR 771

State Funded Only Projects

The locality is responsible for ensuring all environmental commitments made to agencies through the SERP process are implemented at the appropriate time. To ensure that all environmental commitments made during the SERP process are implemented, VDOT will monitor projects during construction.

State Reference – §10.1-1188 of the Code of Virginia

I. Construction Inspection

Federally and State Funded Projects

Unless otherwise set out in the project administration agreement, the locality shall be responsible for providing adequate construction inspection to ensure that the project is constructed in accordance with the approved plans, specifications, and standards and shall maintain sufficient documentation to show that this has occurred.

Materials acceptance procedures must meet an appropriate minimum standard: work on facilities that will be maintained by VDOT must meet or exceed VDOT standards, federally funded work on facilities that will be maintained by the locality must meet 23 CFR 637, and state funded work on facilities that will be maintained by the locality must meet the locality's standards.

Guidance on materials acceptance procedures, inspection procedures, requirements, and documentation is available in VDOT's [Construction Manual](#) and [Inspection Manual](#), the [Post Construction Manual](#), and the Materials Division [Manual of Instruction](#), available on VDOT's web site. The Scheduling and Contract Division provides additional guidance on construction inspection and monitoring to district staff and therefore localities are encouraged to coordinate closely with the District contact on inspection and reporting requirements .

Inspection may be accomplished by the locality's forces or services may be procured by the locality in accordance with the procedures set out in VDOT's [2005 Manual for the Procurement of Professional Services](#).

VDOT may review project records and spot check field procedures as a project is being built to verify the locality's fulfillment of its inspection responsibilities. By submitting and invoicing for payment, the locality certifies that it has complied with these requirements and stipulates that all project records are available for inspection.

Federal Reference – 23 CFR 637

J. [Change Orders/Funding Changes](#)

Federally Funded Projects

On some projects, it becomes necessary to account for unanticipated work after the project contract is let. This results in a change order which, in most cases, results in an increase in contract price. The locality shall provide VDOT an opportunity to review work orders before they are approved and, working with the VDOT Project Coordinator, must ensure that sufficient funding is available to cover any increased costs. If a change is needed in the federal agreement because additional funding is required, the locality shall submit to VDOT's Project Coordinator the amount of additional funding necessary and the justification for the increased amount. VDOT will review this request and may request additional information to justify the change order.

Federal Reference – 23 CFR 635

State Funded Only Projects

The locality shall provide VDOT an opportunity to review change orders before they are approved and, working with the VDOT Project Coordinator, must ensure that sufficient funding is available to cover any increased costs.

State Reference – §2.2-4309 of the Code Virginia

K. [Claims](#)

Federally Funded Projects

If a contractor files a notice of intent to file a claim, the locality is responsible for attempting to resolve the matter before it results in an actual claim.

State Funded Only Projects

Same as Federally Funded Projects

L. [Post Construction](#)

Federally and State Funded Projects

The locality is responsible for the removal of all temporary erosion/sedimentation control devices within 30 days of final site stabilization or after the temporary devices are no longer needed.

When a project is completed, the locality should follow the procedures set out in VDOT's [Post Construction Manual](#), and include submission to VDOT of a copy of as built bridge and road plans in an electronic format (tag image files-".tif").

Any post construction monitoring requirements stipulated in water quality permits issued by regulatory agencies shall be conducted by the locality.

V. [FISCAL / AUDIT / BUDGET](#)

A. [Audits and Compliance with OMB Circular A-133](#)

Federally Funded Projects

A random audit may be conducted of basic construction and project records, to verify compliance with applicable federal and state laws and regulations and any requirements within the project agreement. Project records must be maintained for a period of not less than three (3) years following FHWA acceptance of the final voucher, and the locality shall make such records available to VDOT upon request.

As a condition of receiving federal and state funds, the locality is required to conduct a yearly independent audit of its expenditures. As part of this audit, the auditors shall certify that the funds under this program have been expended in accordance with applicable federal and state laws and regulations. A locality's Comprehensive Annual Financial Report (CAFR) is generally structured to satisfy this requirement.

VDOT is a pass-through entity of federal awards, meaning it is a non-federal entity that provides federal awards to sub-recipients to carry out federal programs. The Virginia Localities, Municipalities, Metropolitan Planning Organizations (MPOs), and Planning District Commissions (PDCs) are sub-recipients of federal awards, meaning they are non-federal entities that spend federal awards received through VDOT to carry out a federal program, but do not include an individual that is a beneficiary of such a program.

All sub-recipients must comply with the requirements of Office of Management and Budget (OMB) [Circular A-133](#) Subpart C – Auditees, Section 300, Auditee Responsibilities (e). This requirement is that the auditee shall ensure that the single audits required are properly performed and submitted as specified by Circular A-133 to the External and Construction Audit Division (ECAD) of VDOT. The auditee will provide access to any relevant records and financial statements as necessary to ensure such compliance. This requirement shall be followed by all localities.

Within 150 days of the audit being received, ECAD will:

- Review the single audits to ensure that sub-recipients expending \$500,000 or more in Federal awards during the sub-recipient's fiscal year have met the audit requirements of OMB Circular A-133, Subpart B – Audits, Section 200.
- Submit a written report to the responsible Program Manager (LAD), detailing any sub-recipient audit findings identified in the Schedule of Findings and Questioned Costs related to VDOT pass-through Federal awards.

As provided in OMB Circular A-133 Subpart D – Federal Agencies and Pass-Through Entities Responsibilities, Section 405, Management Decision (c), the pass-through entity Program Manager shall be responsible for:

- Notifying the sub-recipient of the audit findings that relate to the federal awards and requesting from the sub-recipient certification that appropriate and timely corrective action has been taken.
- Notifying the Fiscal Division of VDOT of the audit findings that relate to the federal awards for Fiscal Division's determination of whether the sub-recipient audit findings necessitate adjustment of VDOT's own financial records.

When the pass-through entity Program Manager has followed the steps prescribed above, he/she shall notify VDOT's Chief Financial Officer (CFO). The CFO will take appropriate action, including but not limited to, notifying the State Comptroller and the Auditor of Public Accounts of such audit findings.

Federal Reference – Office of Management and Budget Circular A-133

State Funded Only Projects

A random audit may be conducted of basic construction and project records, to verify compliance with applicable state laws and regulations and any requirements within the project agreement. Project records shall be maintained for no less than three (3) years following project acceptance and the locality shall make such records available to VDOT upon request. Upon request, a locality shall provide its most recent Comprehensive Annual Financial Report (CAFR) for review by VDOT.

State Reference – §15.2-2511 of the Code Virginia

B. Recovery of VDOT Costs

Federally Funded Projects

It is recognized that VDOT will have various costs associated with the processing of locally administered projects. VDOT will provide an estimate of such costs to the locality. For routine activities such as plan reviews, environmental coordination, or civil rights compliance review, a fee may be charged to a locality, the cost may be financed from project funds, or, for secondary roads, the cost may be charged to a county's secondary preliminary engineering county wide cost center, depending upon project specifics. The project administration agreement will provide guidance on how such costs are to be handled for a specific project.

VDOT may agree to provide specific project services for which considerable manpower and financial resources are needed, such as: preparation of environmental documentation, purchasing right-of-way, etc. In these instances, the project administration agreement will detail how costs shall be charged.

State Funded Only Projects

Same as Federally Funded Projects – please see above.

C. Federal Funding

Federally Funded Projects

All federal funds have expiration dates for the obligation of funds, which basically means that these funds will lapse at a specified time, typically four years after the funds are first apportioned by FHWA. When a particular phase of a federal project is authorized by agreement with FHWA, all of the project funding associated with that authorization is considered obligated at that time even though the funds have not been spent. However, in accordance with 23 CFR Part 630 (January 31, 2006 Federal Register), projects with unexpended balances that have been inactive for extended periods of time, will be flagged and may have their federal funds de-obligated to ensure federal funds are being utilized.

It is incumbent on each and every user of federal funding to implement projects in a timely manner in order to prevent a lapse of funding. A lapse of funding in any locality may have a detrimental effect on the entire state. For example, a state that does not expend its original federal apportionment in any area is not eligible for additional federal discretionary funds.

The standard project administration agreement states that the locality will attempt to obligate all Federal funds within three years of allocation. In cases where a locality may not be able to complete a project phase in time to obligate its federal allocation for the appropriate phases within the three-year period, a letter should be sent to VDOT's Project Coordinator outlining the reasons and the amounts involved. These will then be reviewed by VDOT on a case-by-case basis.

State Funded Only Projects

Not applicable.

D. Processing of Invoices

Federally Funded Projects

A project level invoice, accompanied by supporting documentation, should be submitted to the VDOT Project Coordinator no more frequently than monthly, however in order to ensure timely processing and verification of invoices, all invoices should be submitted within 90 days of completion of such work. The supporting documentation should include copies of invoices paid by the locality and a to-date project summary schedule, tracking payment requests and any adjustments. However, upon agreement between the locality and the VDOT District Office, in lieu of copies of invoices paid by the locality, a one-page summary of what documentation the locality has on file may be used, provided that the locality's Director of Finance or local employee of similar position signs it. Where the locality submits a one-page summary of documentation it has on file, it shall also certify that such records are retained in accordance with state and federal (where federal funds are utilized) records retention requirements for future audit purposes.

When an invoice is presented for payment to VDOT, the local match should be noted and adequate records maintained to document the local contribution. The use of direct-charge, in-house, locality staff time is allowed to count towards the locality's obligation provided adequate documentation is submitted by the locality which details such staff time and costs.

VDOT will reimburse the locality within thirty (30) days of receipt of an acceptable invoice. The amount may be reduced if a project does not have sufficient federal allocations shown in the SSYP/SYIP.

State Funded Only Projects

Same as Federally Funded Projects – please see above.

E. Non-completion of Projects

Federally Funded Projects

In those cases where a locality begins a project and then subsequently cancels it, state law requires that, in some cases, the locality is responsible for reimbursing the CTB the net amount of all funds expended by the CTB for planning, engineering, right-of-way acquisition, utility relocation, demolition, relocation, and construction to the date of cancellation. Similarly, the locality is responsible for the reimbursement of federal funds in instances where federal projects are not completed. If the locality and VDOT agree that a project should be cancelled, the payback requirement may be waived. It is important that a locality receive a determination regarding payback before canceling a project.

Federal Reference – 23 CFR 630

State Funded Only Projects

Same as Federally Funded Projects, except as noted below.

Even though the law specifically states that the CTB is to be reimbursed, the spirit of the law is to prevent a locality from starting and then stopping projects and thus using highway construction funds without addressing a transportation need. The law has provisions for the CTB to forgive this obligation under extenuating circumstances. It is important that a locality receive a determination regarding payback before canceling a project. Projects administered through the Urban Program require payback if they are cancelled.

State Reference – Sections 33.1-44 and 33.1-70.01 of the Code of Virginia

F. Local Percentage**Federally Funded Projects**

For projects utilizing federal funds, a local match may be required from the locality. Under most circumstances the match must be made from local funds. The local match percentage varies between programs, but in most cases they are as follow: Urban Programs, 2% of the project cost, Enhancement projects or federal aid Secondary Construction Program projects in Arlington and Henrico County, 20% of the project cost. Other programs may also have match requirements. The locality should always consult with the District or Central Office Program Manager to determine what, if any, local match may be required.

State Funded Only Projects

For state funded projects financed by programs requiring a local match, such as Revenue Sharing, the various Access programs (in certain circumstances), and Urban Construction Program, the locality shall provide documentation of total project cost while only billing VDOT for VDOT's portion of the eligible costs.

State Reference – Sections 33.1-44, 33.1-75.1, and 33.1-223 of the Code of Virginia and the Guide to the Industrial Access Program

VI. CIVIL RIGHTS

State and Federally Funded Projects

The locality, its agents, employees, assigns or successors, and any person, firm, or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of the Virginia Fair Employment Contracting Act, Sections 2.2-4200 through 2.2-4201 of the Code of Virginia (1950), as amended. By signing the project administration agreement, the locality agrees it will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the locality. The locality agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, including the names of all contracting agencies with which the locality has agreements of over ten thousand dollars (\$10,000.00). For analysis of Disadvantaged Business Enterprise (DBE) goals, the locality also must, through the Project Coordinator, submit for review by the District Civil Rights Office (DCRO) project estimates prior to advertisement, actual bids prior to award for project, and any consultant contracts. These reviews, normally take 7 – 10 days, and the DCRO will respond with any concerns as well as the actual DBE goals for a particular project, by looking at what can be subcontracted and the available market.

Appendix O contains a detailed discussion of the civil rights requirements for both [federal](#) and [state](#) projects. This information includes discussion of reporting requirements, record retention, goal setting, compliance and payment monitoring, and required training.

The DCRO will ensure that the locality has followed guidelines, through project monitoring which is conducted during the life of the project. This monitoring is normally done by the locality project inspectors, who thus need to be trained in these duties. Project monitoring entails the completion of DBE Compliance Reviews, Equal Employment Opportunity (EEO) Contractor Compliance Reviews, and On the Job Training (OJT) enrollments. In each section (DBE, EEO Contractor Compliance, OJT), the required submittals of documentation are indicated in Appendix H to include what information is due, when due and to whom, with reference to supporting regulations/specifications. All information is submitted for the life of the project, including a contract closeout report. The CRD submits quarterly and annual reports to FHWA, as well as copies of DBE Compliance Reviews and EEO Contractor Compliance Reviews, as required.

Federal Reference – Civil Rights Act of 1964, as amended, Title VI and VII, Executive Orders 11246, 12898, and 131656, as amended, FHWA Provision 1273, 23 US Code 140(b), 23 CFR 230, 49 CFR, Parts 21 and 26

State Reference – Chapter 42, §§ 2.2-4201, 2.2-4201, and Chapter 43, §§ 2.2-4300, 2.2-4310, 2.2-4311 and 2.2-4321 of the Code of Virginia.

VIII. APPENDICES

| | |
|--|-----|
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Appendix A

Request to Administer Construction Project

To: ☐ Urban Program Manager (*for urban highway system projects*)
☐ Residency Administrator (*for primary system, secondary system, and access projects.*)

Visit <http://www.virginiadot.org/business/local-assistance-locally%20administered.asp>
to determine the responsible Urban Program Manager or Resident Engineer by locality.

From: _____
(Responsible Local Official Issuing Request) (Email Address) (Phone)

Signature (*Typed when e-mailed*) By: _____ Date: _____

| | |
|--|--|
| Locality | |
| Project Number / UPC | Narrative Description |
| Local Contact <i>(if different from above)</i> | Name: _____ Phone: _____ Email: _____ |
| We are interested in administering the following phase/phases of the above reference project: <input type="checkbox"/> PE <input type="checkbox"/> CN If "other" phase is selected, describe scope of work proposed: <input type="checkbox"/> RW <input type="checkbox"/> Other | |
| Residency/Urban Program Manager and District Office Comments | |
| Residency/Urban Program Manager Funding Information and Comments (<i>expands as required</i>) | <div style="text-align: right;">FEDERAL Funds <u>Currently</u> Allocated to Project <input type="checkbox"/></div> By: _____ Date: _____ Signature & Date (<i>Typed when emailed</i>) |
| District PE Manager or Construction Engineer Comments (<i>expands as required</i>) <small>When complete, transmit to Chief Engineer, copy to Residency/Urban Program Manager and Director of Local Assistance Division</small> | By: _____ Date: _____ Signature & Date (<i>Typed when emailed</i>) VDOT Project Coordinator Assigned: Phone: _____ |
| Chief Engineer's Approval | |
| Comments (<i>expands as required</i>): <input type="checkbox"/> Approved <input type="checkbox"/> Denied | |
| By: _____ Date: _____ Signature & Date (<i>Typed when emailed</i>) | |

Upon completion, transmit this form to the Local Assistance Division for distribution and development of an agreement.
Submission of this form is not necessary for Enhancement projects, which are presumed administered by the locality.
Use Ctrl-Enter to create paragraph breaks within comments.

STANDARD PROJECT ADMINISTRATION AGREEMENT

| Project Number | UPC | Local Designation |
|----------------|-----|-------------------|
| | | |

THIS AGREEMENT, made and executed this ____ day of _____, 200_, by and between the _____ of _____, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as a Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the LOCALITY will progress with the development of each Project so that any federal funds allocated to each Project may be obligated within three years of allocation to each Project in accordance with the current Statewide Transportation Improvement Program, unless otherwise specified in writing by the Department; and

WHEREAS, both parties have concurred in the LOCALITY's general administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase of each Project shown in Appendix A, except the performance of the State Environmental Review Process (SERP), and coordinate with the DEPARTMENT for all reviews, approvals, and environmental actions and decisions, as required. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT.
 - b. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.

- c. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project, or all such records and documentation may be turned over to the DEPARTMENT in a manner acceptable to the DEPARTMENT.
 - d. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and a to-date project summary schedule tracking payment requests and adjustments.
 - e. Subject to appropriation, reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.1-44 or Section 33.1-70.01 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
 - f. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
 - g. Administer the Project in accordance with all applicable federal, state, or local laws and regulations.
 - h. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, or local laws and regulations. If the locality expends over \$500,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with Office of Management and Budget Circular A-133.
 - i. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
2. The DEPARTMENT shall:
- a. Perform the SERP and provide guidance relative to the coordination of environmental commitments that result from the SERP, provide necessary coordination with the FHWA, and approve plans, specifications,

advertisement documents, and contract awards as determined to be necessary by the DEPARTMENT.

- b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.d, reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
- 3. Appendix A outlines the phases of work and general items to be administered by the LOCALITY. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
 - 4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.1-94 of the Code of Virginia, 1950, as amended.
 - 5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been appropriated. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated and allocated.
 - 6. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
 - 7. This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.e, 1.f, and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to

the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

_____ OF _____, VIRGINIA:

| | |
|-------|-------|
| _____ | _____ |
| | Date |
| _____ | |
| Title | |

| | |
|----------------------|-------|
| _____ | _____ |
| Signature of Witness | Date |

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

| | |
|--|-------|
| _____ | _____ |
| Commonwealth Transportation Commissioner Commonwealth of Virginia Department of Transportation | Date |

| | |
|-------|-------|
| _____ | _____ |
|-------|-------|

Signature of Witness

Date

Attachments

Appendix A (list out all App A to be included, by UPC)

Project Number: (UPC)**Locality:**

| Project Narrative | | | | |
|--|--|--|--|--|
| Scope: From: To: | | | | |
| Locality Project Manager Contact Info: Department Project Coordinator Contact Info: | | | | |

| Project Costs and Reimbursement | | | | |
|---|-------------------------|----------------------------------|--|-------------------------------------|
| Phase | Estimated Project Costs | Estimated Eligible Project Costs | Estimated Eligible VDOT Project Expenses | Estimated Reimbursement to Locality |
| Preliminary Engineering | | | | |
| Right-of-Way & Utilities | | | | |
| Construction | | | | |
| Total Estimated Cost | | | | |
| Total Maximum Reimbursement by Locality to VDOT | | | | |
| Total Maximum Reimbursement by VDOT to Locality | | | | |

| Project Financing | | | | |
|-------------------|-----------------|-----------------|-----------------|------------------------------------|
| A | B | C | D | E |
| <fund source C> | <fund source C> | <fund source C> | <fund source D> | Aggregate Allocations (A+B+C+D) |
| | | | | |

| Program and Project Specific Funding Requirements |
|---|
| |

This attachment is certified and made an official attachment to this document by the parties of this agreement

Authorized Locality Official and date

Residency Administrator's/Urban Program Manager's
Recommendation and date

APPENDIX B

CONTACT TELEPHONE NUMBERS

LOCAL ASSISTANCE DIVISION (LAD)

| | |
|---|--------------|
| Michael A. Estes, PE (Division Administrator) | 804-786-2746 |
| Russ Dudley | 804-786-6663 |
| Bernard E. Schmelz, AICP | 804-786-2595 |
| Clark M. Woods | 804-692-0565 |

CIVIL RIGHTS DIVISION (CRD)

| | |
|---------------|--------------|
| Freddie Jones | 804-786-2935 |
| Doretha Davis | 804-786-3478 |

ENVIRONMENTAL DIVISION

| | |
|---------------------------------------|--------------|
| Earl T. Robb (Division Administrator) | 804-786-4559 |
| Jackie Cromwell | 804-371-6829 |

EXTERNAL AUDIT

| | |
|---------------------------------------|--------------|
| Judson Brown (Division Administrator) | 804-225-3597 |
|---------------------------------------|--------------|

FISCAL DIVISION

| | |
|--|--------------|
| Stacy McCracken (Division Administrator) | 804-786-2759 |
| George Byrd | 804-786-4223 |

INNOVATIVE PROJECT DELIVERY

| | |
|---|--------------|
| Tom Pelnik, PE (Division Administrator) | 804-786-1103 |
| Dusty Holcombe (PPTA) | 804-786-3173 |
| Kerry Bates (Design-Build) | 804-371-4312 |

INTERNAL AUDIT

| | |
|------------------------------------|--------------|
| Alex Sabo (Division Administrator) | 804-786-4878 |
| Carla Sankey | 804-786-4567 |

LOCATION & DESIGN DIVISION

| | |
|--|--------------|
| Mohammad Mirshahi, PE (Division Administrator) | 804-786-2507 |
| Emmett Heltzel, PE | 804-786-2949 |

MOBILITY MANAGEMENT DIVISION

| | |
|---|--------------|
| Ray Khoury, PE (Division Administrator) | 804-786-1061 |
| Phil Hopkins, PE | 804-786-2918 |

PROGRAMMING DIVISION

| | |
|---|--------------|
| Diane Mitchell (Division Administrator) | 804-786-2741 |
| Dane Lewis | 804-225-3552 |
| Jamie Brown Porter | 804-786-2844 |

APPENDIX B

| | |
|---|--------------|
| RIGHT OF WAY AND UTILITIES DIVISION | |
| Stuart Waymack (Division Administrator) | 804-786-2923 |
| Les Griggs | 804-786-2917 |
| SCHEDULING & CONTRACT DIVISION | |
| W. Byron Coburn, PE (Division Administrator) | 804-371-2531 |
| Don Silies | 804-786-1630 |
| STRUCTURE & BRIDGE DIVISION | |
| George Clendenin, PE (Division Administrator) | 804-786-4575 |
| Jim Fariss, PE | 804-786-2998 |
| TRANSPORTATION AND MOBILITY PLANNING DIVISION | |
| Marsha Fiol (Division Administrator) | 804-786-2985 |
| Robin Grier | 804-786-1040 |
| VALUE ENGINEERING | |
| Ron Garrett | 804-862-6266 |
| DISTRICTS | |
| BRISTOL | |
| CIVIL RIGHTS MANAGER | |
| Deborah Atkins | 276-669-9907 |
| CONSTRUCTION ENGINEER | |
| Ken Brittle | 276-669-9903 |
| ENVIRONMENTAL MANAGER | |
| Doris K. Bush | 276-669-9945 |
| LOCATION & DESIGN ENGINEER | |
| Dennis Harris | 276-669-9910 |
| RIGHT OF WAY AND UTILITIES MANAGER | |
| Curt L. Jackson | 276-669-9923 |
| URBAN PROGRAM MANAGER | |
| Mark White | 804-786-3438 |
| CULPEPER | |
| CIVIL RIGHTS MANAGER | |
| Carla Allen | 540-829-7523 |
| CONSTRUCTION ENGINEER | |
| Kenneth Shiley, PE | 540-829-7510 |
| ENVIRONMENTAL MANAGER | |
| Scott Bywaters | 540-829-7652 |
| LOCATION & DESIGN ENGINEER | |
| Karen P. Kilby | 540-829-7550 |
| PRELIMINARY ENGINEERING MANAGER | |
| Brent Sprinkel, P.E. | 540-829-7552 |
| RIGHT OF WAY AND UTILITIES MANAGER | |

APPENDIX B

| | |
|------------------------------------|--------------|
| Fannie Mae Printz | 540-829-7701 |
| URBAN PROGRAM MANAGER | |
| Leo Rutledge | 804-786-2586 |
| FREDERICKSBURG | |
| CIVIL RIGHTS MANAGER | |
| Jim Kavina | 540-374-3389 |
| CONSTRUCTION ENGINEER | |
| Harry W. Lee | 540-899-4225 |
| ENVIRONMENTAL MANAGER | |
| Robert E. Pickett | 540-899-4209 |
| LOCATION & DESIGN ENGINEER | |
| Stephen Haynes | 540-899-4215 |
| RIGHT OF WAY AND UTILITIES MANAGER | |
| Tommy H. Morrison | 540-899-4253 |
| URBAN PROGRAM MANAGER | |
| Marvin Tart | 804-524-6290 |
| HAMPTON ROADS | |
| CIVIL RIGHTS MANAGER | |
| Vacant | 757-925-2519 |
| CONSTRUCTION ENGINEER | |
| Mark Cacamis | 757-925-2504 |
| ENVIRONMENTAL MANAGER | |
| Jack McCambridge | 757-925-2631 |
| PRELIMINARY ENGINEERING MANAGER | |
| Adam J. Jack | 757-925-2415 |
| RIGHT OF WAY AND UTILITIES MANAGER | |
| Warren Williams | 757-925-2527 |
| URBAN PROGRAM MANAGER | |
| Todd Halacy | 757-925-2513 |
| LYNCHBURG | |
| CIVIL RIGHTS MANAGER | |
| Joe King | 434-856-8168 |
| CONSTRUCTION ENGINEER | |
| Dale H. Grigg | 434-856-8173 |
| ENVIRONMENTAL MANAGER | |
| Stanley E. Murphy | 434-856-8285 |
| LOCATION & DESIGN ENGINEER | |
| Shannon Cotulla | 434-856-8250 |
| RIGHT OF WAY AND UTILITIES MANAGER | |
| Lori A. Snider | 434-856-8235 |
| URBAN PROGRAM MANAGER | |
| Leo Rutledge | 804-786-2586 |

APPENDIX B

NORTHERN VIRGINIA

CIVIL RIGHTS MANAGER

Leslie Martin 703-383-2341

CONSTRUCTION ENGINEER

John DePasquale, PE 703-383-2455

ENVIRONMENTAL MANAGER

John Muse 703-383-2098

PRELIMINARY ENGINEERING MANAGER

William C. Cuttler, PE 703-383-2174

TRANSPORTATION MANAGERS

Helen Cuervo (Prince William) 703-366-1931

Farid Bigdeli (Loudoun) 703-383-2357

Renee Hamilton (Fairfax) 703-383-2434

RIGHT OF WAY AND UTILITIES MANAGER

Brian Costello 703-383-2296

URBAN PROGRAM MANAGER

Richard "Dic" Burke 703-383-2431

RICHMOND

CIVIL RIGHTS MANAGER

Tommy Todd 804-524-6091

CONSTRUCTION ENGINEER

Christopher L. Winstead, PE 804-524-6095

ENVIRONMENTAL MANAGER

Nicholas Froelich 804-524-6104

PRELIMINARY ENGINEERING MANAGER

Sam Hayes, PE 804-524-6430

RIGHT OF WAY AND UTILITIES MANAGER

David A. Schneider 804-524-6017

URBAN PROGRAM MANAGER

Marvin Tart 804-524-6290

SALEM

CIVIL RIGHTS MANAGER

Jenny Brewbaker 540-387-5391

CONSTRUCTION ENGINEER

Pete A. Sensabaugh, Jr. 540-387-5348

ENVIRONMENTAL MANAGER

Paul Johnson 540-387-5432

LOCATION AND DESIGN ENGINEER

Mike Russell, PE 540-375-3593

PRELIMINARY ENGINEERING MANAGER

Robert H. Cary, PE 540-387-5356

RIGHT OF WAY AND UTILITIES MANAGER

APPENDIX B

| | |
|-----------------------|--------------|
| Jack P. Orr | 540-387-5432 |
| URBAN PROGRAM MANAGER | |
| Leo Rutledge | 804-786-2586 |

STAUNTON

| | |
|------------------------------------|--------------|
| CIVIL RIGHTS MANAGER | |
| Homer Coffman | 540-332-7888 |
| CONSTRUCTION ENGINEER | |
| Randy S. Kiser, PE | 540-332-9095 |
| ENVIRONMENTAL MANAGER | |
| Robert W. Jones | 540-332-9101 |
| PRELIMINARY ENGINEERING MANAGER | |
| Terry L. Jackson | 540-332-7786 |
| RIGHT OF WAY AND UTILITIES MANAGER | |
| Robert S. Ryder | 540-332-9128 |
| URBAN PROGRAM MANAGER | |
| Jerry VanLear | 540-332-9030 |

[RESIDENCY ADMINISTRATORS \(link to VDOT web site\)](#)

APPENDIX C

Summary of Requirements

The following table is for projects fully administered by localities (PE, RW and CN). This does not apply to projects where the locality administers only a portion of the work or to Public Private Partnerships and Design/Build projects.

| Activity | Requirements for Federal Funded Projects | Requirements for State Funded Projects |
|---------------------------------------|---|---|
| Preliminary Engineering | | |
| Project Initiation | <p>Locality requests project be included in SYIP or adds to SSYP</p> <p>In non-attainment & maintenance area must be part of conforming LRP & TIP</p> <p>Expenses are on a reimbursable basis</p> <p>Locality submits request to administer project</p> | <p>Locality requests or designates funding from appropriate source</p> <p>In non-attainment & maintenance area if project regionally significant must be part of conforming LRP & TIP</p> <p>Expenses are on a reimbursable basis</p> <p>Locality submits request to administer project</p> |
| PE Authorization | Locality must receive authorization from VDOT before initiating work on a particular phase | |
| SERP | Locality initiates and VDOT performs admin portion | |
| Preparation of Environmental Document | <p>FHWA determines level of document</p> <p>Locality prepares</p> <p>VDOT reviews to ensure compliance with fed/state requirements</p> | If a regulatory agency other than FHWA requires a NEPA document, locality is responsible for all preparation and coordination of document |
| Environmental Permits | <p>Locality must secure all permits-incl. USCG navigation permits, Army Corps of Engineers (ACOE) permits, Water Quality Permits, and similar permits which may be required.</p> <p>Locality must certify prior to construction that all permits have been secured. Though not an exhaustive list, the following agencies may have permits which impact a locally administered construction project: DEQ, DCR, VMRC, CG, ACOE, and TVA. Natural Resource Due Diligence Certification form (EQ-555) must be utilized and filed</p> | |
| Hazardous Materials | <p>Locality must certify that necessary action taken or will be taken.</p> <p>Hazardous Materials Due Diligence Certification form (EQ-121) must be utilized and filed</p> | |
| Consultant Procurement | Locality must meet fed/state laws and will follow VDOT's Procurement Manual to do so | |
| Value Engineering | <p>Required for projects > \$5M</p> <p>Locality conducts and submits reports to VDOT</p> | |
| Location Approval (if needed) | Must be approved by the CTB | |
| Design Standards | VDOT | |

APPENDIX C

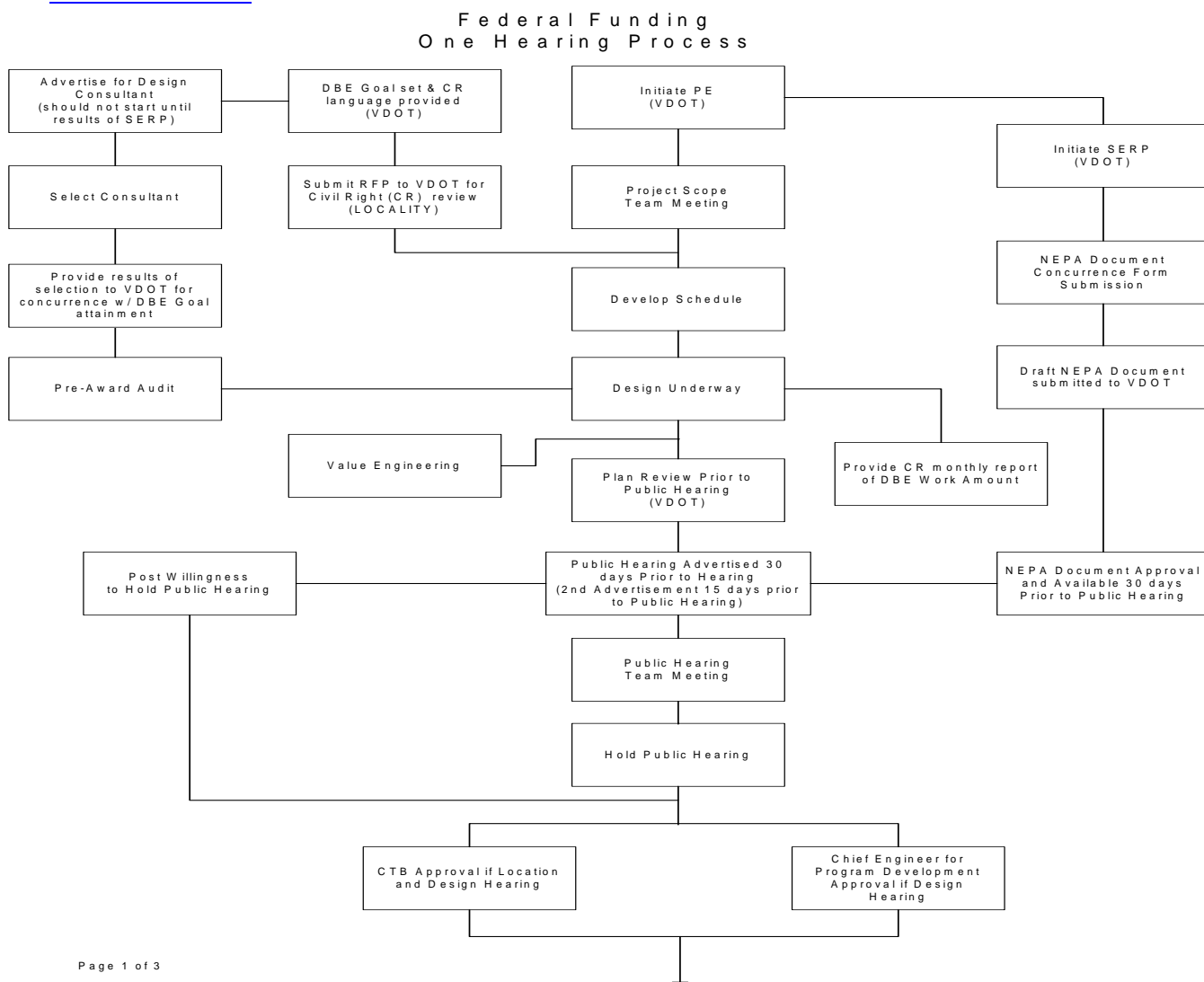
| Activity | Requirements for Federal Funded Projects | Requirements for State Funded Projects |
|---|---|---|
| Plan Reviews | VDOT will perform at least 3 plan reviews at: <ul style="list-style-type: none">➤ Pre public hearing – 30% plan stage➤ Pre Right-of-Way (including preliminary bridge plans) – 60% plan stage➤ Pre Construction (including 90% bridge plans) – 90% plan stage VDOT may also conduct additional reviews per LD IIM 216 Locality must certify all design in accordance with AASHTO prior to beginning construction | |
| Design Exceptions | VDOT must approve all exceptions to VDOT standards and specifications | |
| Public Involvement | All localities must meet fed/state laws and shall follow Department Policy Memorandum 11.1 | |
| Design Approval | Chief Engineer | |
| Right-of-Way & Utilities | | |
| Environmental Re-evaluation (Right-of-Way Phase; EQ201) | Re-evaluation performed by VDOT with information from locality on LD-441 | Not needed |
| Right-of-Way Re-evaluation | Locality must submit RW-301 to district office | |
| Authorization | Localities must receive authorization from VDOT before initiating work on a particular phase | |
| Land Acquisition | Locality must conduct acquisition in accordance with Right-of-Way & Utilities Manual VDOT to perform random post construction audits/reviews | |
| Utility Relocation | Locality must conduct utility relocation in accordance with Right-of-Way & Utilities Manual VDOT to perform random post construction audits/reviews | |
| Construction | | |
| Environmental Re-evaluation (Construction Phase) also known as “PS&E Re-evaluation” EQ200 | Re-evaluation performed by VDOT with information from locality on LD-441/442 and copy of plans | Not needed |
| Environmental Certification (EQ103) | Certification performed by VDOT with information provided by the locality | Certification performed by VDOT with information provided by the locality |
| Authorization | Localities must receive authorization from VDOT before initiating work on a particular phase | |
| Project Certification | Localities certify that necessary action taken (checklist outlining requirements being developed to include items such as Environmental, RW, Design, Coast Guard Permit, etc.) VDOT reviews to ensure compliance with fed/state requirements | |
| Advertisement/Contract Letting | Locality will advertise project CTB or Commissioner must approve award of contract | |
| Change Orders/Funding Changes | Locality must give VDOT chance to review and approve change order before implementation Locality must submit justification if additional \$ needed from FHWA | Locality must give VDOT chance to review and approve change order before implementation |

APPENDIX C

| Activity | Requirements for Federal Funded Projects | Requirements for State Funded Projects |
|--------------------------|--|--|
| Environmental Monitoring | VDOT will monitor periodically during construction to ensure commitments made in SERP/NEPA processes are implemented by locality | |
| Civil Rights | All localities responsible in complying with Virginia Fair Employment Contracting Act, Title VI of the Civil Rights Act of 1964, provisions from the CFR pertaining to Disadvantaged Business Enterprises, On The Job Training Program, etc. VDOT will assist with various aspects of these programs and will monitor documentation from the Cities that the requirements have been met | |
| Post Construction | | |
| Bridge Plans | Locality to submit TIF File of “As-Built” to VDOT | |
| Roadway Plans | Locality to submit TIF files of final plans to VDOT | |
| Audits/Compliance | VDOT may conduct random audits/reviews Cities must conduct a yearly independent audit of expenditures | |
| Recovery of VDOT Costs | VDOT will not charge for general admin of program VDOT will charge for project specific items (SERP, plan reviews, etc.) VDOT will provide an estimate of these costs to the Locality VDOT/Locality will enter into separate agreements for major project development items requested to perform on the Locality’s behalf | |

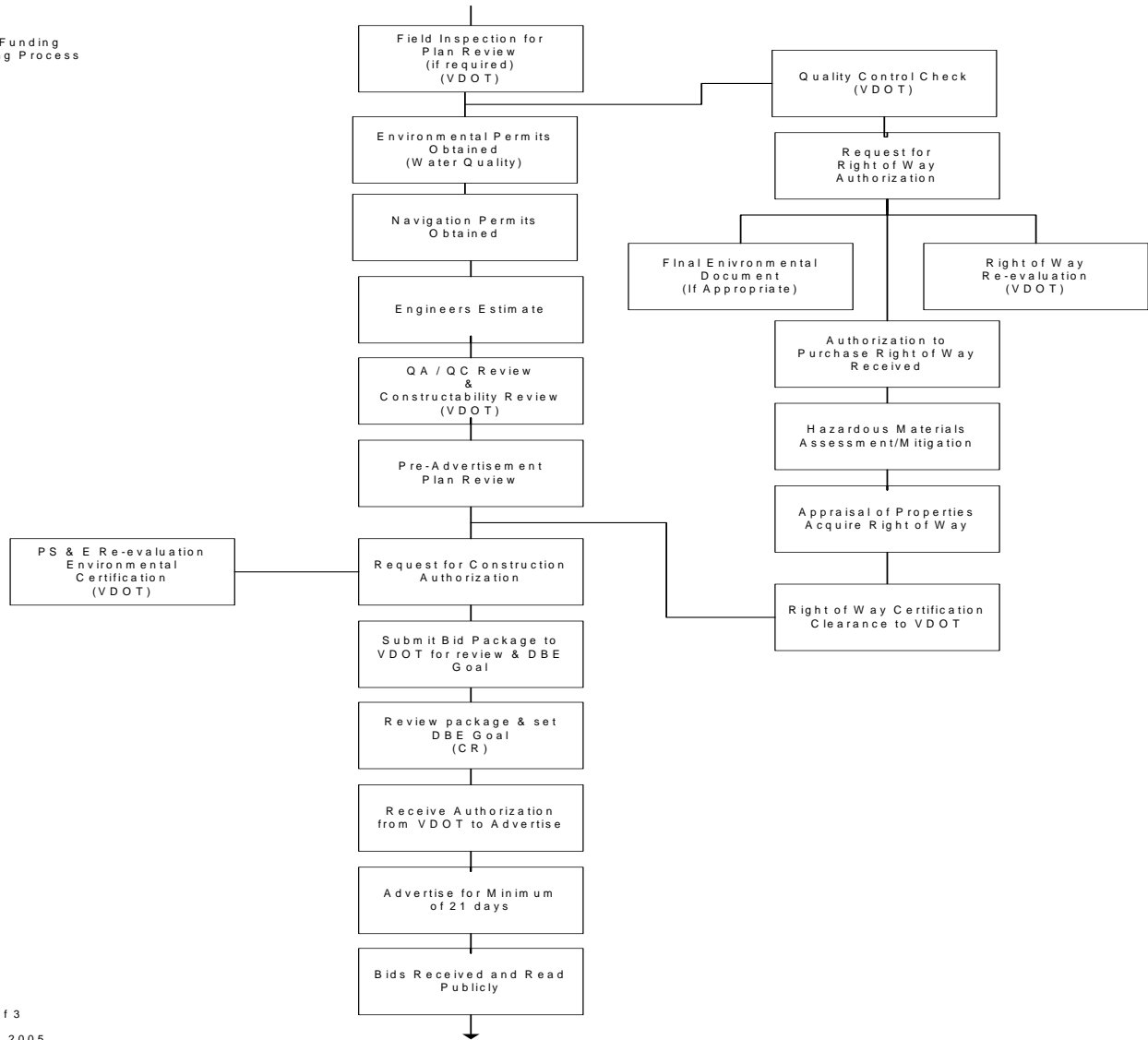
APPENDIX D

FLOW CHARTS



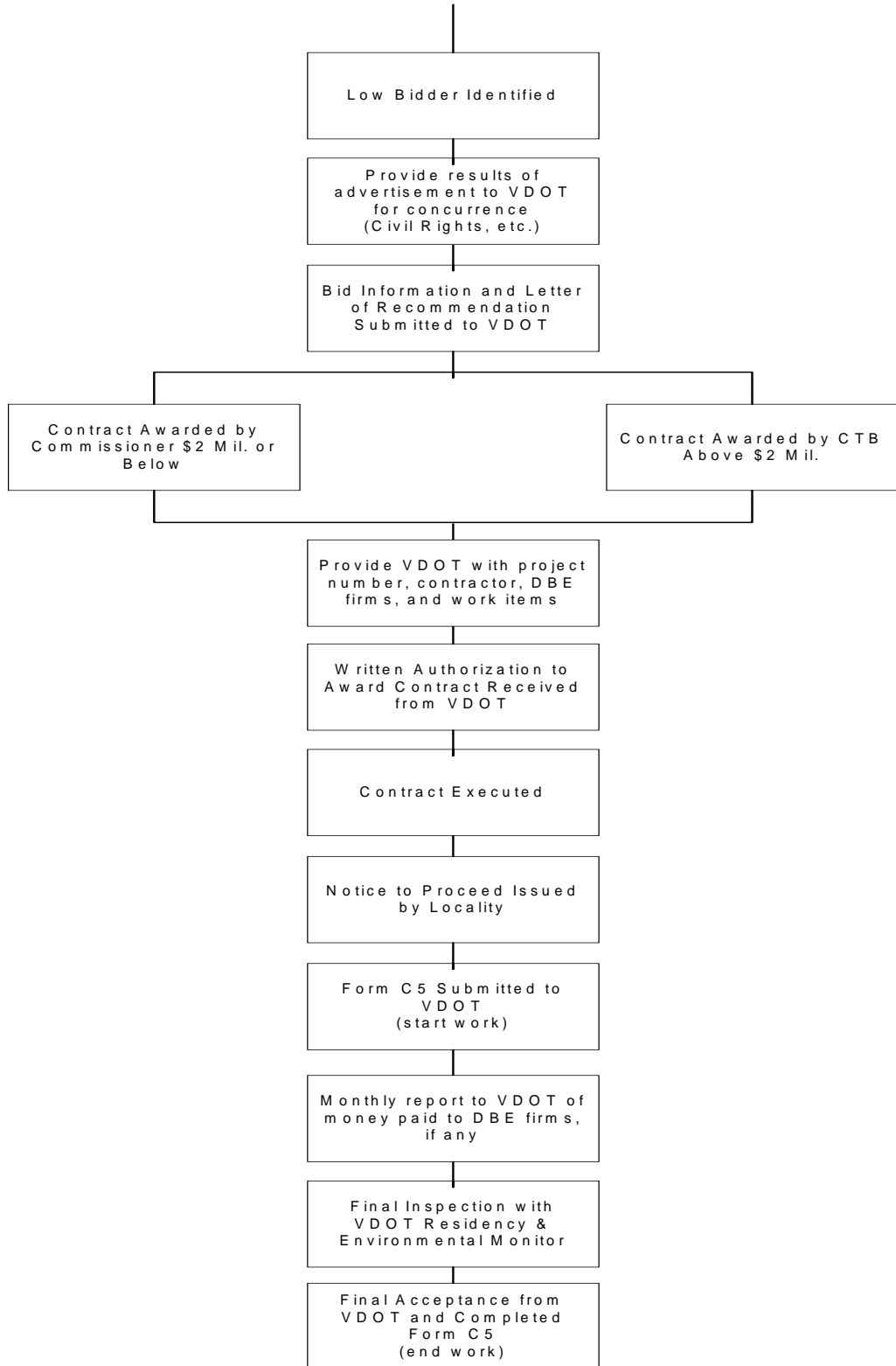
APPENDIX D

Federal Funding
One Hearing Process



APPENDIX D

Federal Funding
One Hearing Process



LOCALLY ADMINISTERED PROJECT CHECKLIST (April 2006)

VDOT PROJECT NUMBER: _____
 VDOT UPC NUMBER: _____
 FEDERAL PROJECT NUMBER: _____
 PROJECT DESCRIPTION: _____

NOTE: Actions applicable to the project will be checked by the project coordinator once the local/state agreement has been executed. These actions are generally sequential and should, typically, be completed in the order as listed.

Upon completion of the required item, the locality's project manager will check the corresponding box. An up to date checklist may be requested by VDOT as needed.

Depending on the funding source, some items in this checklist may NOT be applicable. Items applicable only to federal projects are italicized.

NOTE: Authorization to proceed is necessary for each phase before costs can be incurred. Any costs incurred prior to authorization will be the locality's responsibility.

Applicable

Completed

Project Development

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <i>In air quality non-attainment areas, Project included in Long Range Plan and TIP that has been analyzed for air quality conformity</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | Sufficient funding in approved SYP/SYIP to cover Preliminary Engineering estimate |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>Project PE is listed in the approved Statewide Transportation Improvement Program (STIP) and estimates are consistent with current amount</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | Written authorization to proceed with Preliminary Engineering received from VDOT |

Preliminary Engineering Phase

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Scoping Meeting |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>Preliminary determination of bridge limits/touchdown points (for BR projects)</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | Bicycle and Pedestrian Accommodation – The locality shall consider bicycle/pedestrian accommodations in accordance with VDOT CTB Policy and document such consideration in the project file. |
| <input type="checkbox"/> | <input type="checkbox"/> | SERP initiated by locality |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>Federal Acquisition Regulation (FAR) audit of proposed consultants</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed professional services contract submitted to VDOT for pre- |

APPENDIX E

- ☐ advertisement review
- ☐ Pre-award audit completed
- ☐ Contract awarded for professional services
- ☐ Project schedule and estimate determined
- ☐ SERP completed by VDOT
- ☐ Scoping completed on project, including scoping for environmental services
- ☐ ***NEPA Document Concurrence Form completed and submitted to VDOT Project Coordinator***
- ☐ ***NEPA document type approval received from FHWA via VDOT Project Coordinator***
- ☐ Pre-Public Hearing Plans submitted to VDOT Project Coordinator for review and comment
- ☐ ***Draft NEPA environmental document submitted to VDOT Project Coordinator for review and submission to FHWA***
- ☐ ***FHWA-signed NEPA document available to the public at least 30 days prior to public hearing***
- ☐ ***Approval of NEPA Document***
- ☐ ***Final approval for bridge limits/touchdown points (for BR projects)***
- ☐ Notice of Public Hearing in paper 30 days prior to Public Hearing; ***NEPA documentation must be made available to the public for review***
- ☐ Public Hearing held or “Notice of Willingness” posted
- ☐ Value Engineering review for projects with construction costs exceeding \$5,000,000.00
- ☐ Location/Design approval – Commonwealth Transportation Board/Chief Engineer
- ☐ ***Final NEPA document approval (if Draft and Final NEPA documents appropriate)***
- ☐ Environmental compensation and mitigation (related to wetlands and stream impacts). Locality needs to consider whether property will be needed for compensation and mitigation requirements of permits.
- ☐ Pre Right-of-Way plan review
- ☐ ***NEPA document re-evaluation (R/W re-evaluation EQ-200) prior to request for FHWA R/W authorization (only when Federal funding used in Right-of-Way acquisition)***
- ☐ Locality needs to submit completed RW-301 (prior to request for R/W authorization)

Right-of-Way Phase

- ☐ Sufficient funding in approved SYP/SYIP to cover RW estimate and Construction estimate
- ☐ ***Project RW is listed in the approved Statewide Transportation Improvement Program (STIP) and estimates are consistent with current amount***
- ☐ Written authorization to proceed with property acquisition received from VDOT (Right-of-Way Authorization)

Final Plan Design and Bid Document Preparation

- ☐ Sufficient funding in approved SYP/SYIP to cover Construction estimate

APPENDIX E

- ☐ ☐ ***Project Construction is listed in the approved Statewide Transportation Improvement Program (STIP) and estimates are consistent with current amount***
- ☐ ☐ All environmental permits obtained by locality and documented in Water Quality and Natural Resources Due Diligence form (EQ-555). EQ-555 sent to VDOT Project Coordinator
- ☐ ☐ Navigation permit for bridges over navigable waterways obtained from the US Coast Guard and copy provided to VDOT Project Coordinator
- ☐ ☐ Hazardous materials assessments/mitigation/remediation complete and documented in Hazardous Materials Due Diligence form (EQ-121). EQ-121 sent to VDOT Project Coordinator
- ☐ ☐ Pre-Advertisement Conference
- ☐ ☐ Right-of-Way information submitted to VDOT with a request for right-of-way certification (locality shall include statement regarding right-of-way and utility clearance and railroad involvement-see Appendix K)
- ☐ ☐ Engineer's Estimate prepared
- ☐ ☐ Locality conducts final QA/QC Review
- ☐ ☐ Contract prepared including all applicable specifications and federal provisions
- ☐ ☐ Final plans, specifications, and estimate submitted to VDOT for review and approval
- ☐ ☐ ***Submit Federal Criteria Sheet and Cost Summary Estimate (Appendix N)***
- ☐ ☐ ***NEPA document re-evaluation (PS&E re-evaluation EQ-200 completed by VDOT District Environmental Manager***
- ☐ ☐ Environmental Certification (EQ-103) completed by VDOT District Environmental Manager
- ☐ ☐ Written authorization to proceed with project advertisement received from VDOT

Advertisement and Construction Phase

- ☐ ☐ Project publicly advertised for a minimum of 3 weeks
- ☐ ☐ Bids received and read publicly
- ☐ ☐ Bids verified for accuracy; low bidder identified
- ☐ ☐ Bid information, including bid tabulation, cost summary based on Contractor's Bid and letter of recommendation from locality submitted to VDOT
- ☐ ☐ Contract awarded by the Commissioner or CTB at their monthly meeting; generally the third Thursday of each month
- ☐ ☐ Written authorization to proceed with construction received from VDOT
- ☐ ☐ Construction contract awarded to low bidder
- ☐ ☐ Coordination meeting with VDOT prior to start of construction
- ☐ ☐ Pre-Construction meeting with selected contractor
- ☐ ☐ Form C-5 submitted to VDOT once construction begins
- ☐ ☐ Change Orders submitted to VDOT Residency as applicable
- ☐ ☐ Final inspection scheduled with VDOT Area Construction Engineer
- ☐ ☐ Submittal of "as-built" documentation to VDOT
- ☐ ☐ Project received final acceptance from VDOT and a completed Form C-5 submitted to VDOT

VDOT Contacts

VDOT Project Coordinator: _____

VDOT District Environmental Manager:

VDOT Residency Contact or Urban Program Manager:

Locality Project Manager:

Date checklist provided to locality from Project Coordinator:

Signature Date

Date checklist completed by Locality Project Manager:

Signature Date

APPENDIX F

URBAN CONSTRUCTION PROGRAM

(SAMPLE PROJECT RESOLUTION)

PROJECT PROGRAMMING RESOLUTION

WHEREAS, in accordance with Virginia Department of Transportation construction allocations procedures, it is necessary that a request by council resolution be made in order that the Department program an urban highway project in the City/Town of _____;

NOW THEREFORE BE IT RESOLVED, that the Council of the City/Town of _____, Virginia, requests the Virginia Department of Transportation to establish an urban system highway project for the improvement of _____ from _____ to _____, a distance of approximately _____. (or describe other type of project; such as bridge, signals, etc.)

BE IT FURTHER RESOLVED, that the Council of the City/Town of _____ hereby agrees to pay its share of the total cost for preliminary engineering, right-of-way and construction of this project in accordance with Section 33.1-44 of the Code of Virginia, and that, if the City/Town of _____ subsequently elects to cancel this project, the City/Town of _____ hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this _____ day of _____, 20____
City/Town of _____, Virginia

ATTEST

Clerk of Council

BY _____
Mayor/Manager

Environmental Requirements

Purpose

The purpose of these requirements is to comply with all applicable state and federal laws, regulations, and Executive Orders related to the environment. As part of the agreement localities have signed with VDOT, the localities are responsible for complying with all environmental laws and regulations that apply during project development. These laws and regulations vary depending on the scope of project impacts, the funding source, and other issues.

Information regarding environmental regulations, laws, and Executive Orders is available at: www.virginiadot.org/business/environmental_requirements_local.asp. Please monitor this site for new information related to environmental laws, regulations, and VDOT requirements.

Locality Project Managers should routinely consult with VDOT Project Coordinators to ensure all necessary procedural milestones are successfully met. Failure to adequately address all environmental requirements can jeopardize state and federal financial participation in a project.

Contacts

The localities primary point of contact will be through VDOT's assigned Project Coordinator. The VDOT Project Coordinator will be responsible for coordinating all aspects of the project with the Locality Project Manager and the VDOT Project Team members, including VDOT District Environmental staff.

General Project Administration Requirements

(Both federal-aid and state funded projects)

A. Locality Shall:

1. Be responsible for including the project in a Long Range Plan and Transportation Improvement Program that has been analyzed for air quality conformity (if in a non-attainment or maintenance area for air quality).
2. Meet with VDOT personnel (and other agency personnel at the Division's discretion) prior to selection of a consultant or the commitment of any resources to scope the project, discuss the environmental clearances necessary and the procedure for submitting these environmental clearances to the VDOT Project Coordinator.
3. Use qualified staff or consultant services to manage the environmental process.
4. Provide VDOT Project Coordinator and Environmental Division an opportunity to review and comment on the completeness of the scope of work for the environmental study before a contract is executed.
5. Schedule meetings with VDOT Project Coordinator and Project Team Members at appropriate milestones in the study as identified during scoping to review study progress and adequacy.
6. Provide all requests to VDOT Environmental Project Coordinator for technical and coordination assistance.

7. Provide VDOT Project Coordinator with copies of all technical studies, reports, and project correspondence related to environmental coordination.

B. VDOT Shall:

1. VDOT Project Coordinator and District Environmental Manager will review and comment to the locality on the completeness of the environmental scope of work.

Phase Specific Project Administration Requirements (Separated by Federal and State Funded Projects)

The following sections are split by first funding source (federal or state), then phase (PE, RW, Construction) and party (VDOT or Locality) – with a description of when a particular section is to be used to describe the specific environmental activities that each party will be responsible for.

Federal-Aid Project Environmental Requirements:

I. Preliminary Engineering Performed by Local Government

A. Locality Shall:

1. Prepare and submit an electronic copy of the completed [Early Notification form](#) (EQ-429) to begin the [State Environmental Review Process](#) (SERP) and any other necessary information to the VDOT Project Coordinator regarding the scope of the proposed project.
2. Implement the environmental commitments identified in the SERP Preliminary Environmental Inventory form ([PEI](#)) pertaining to the development of the project.
3. Prepare and submit an electronic copy of the [National Environmental Policy Act](#) (NEPA) [Concurrence form](#) to VDOT Project Coordinator.
4. Prepare the NEPA document:
 - a) Provide VDOT Project Coordinator with a proposed project-specific public involvement plan prior to public involvement activities. This plan will demonstrate compliance with all items identified in the *VDOT Location and Design Public Involvement Policy and Procedures* [Manual](#) as required by environmental regulation. The public hearing notice shall include all appropriate references to environmental notifications such as NEPA document availability, compliance with the National Historic Preservation Act, and compliance with the Agricultural and Forestal District Act.
 - b) Provide VDOT Project Coordinator with a copy of the public hearing transcript and responses to comments on the environment with the review copy of the [environmental document](#).
 - c) Provide VDOT Project Coordinator with an electronic preliminary review draft of the environmental document: Programmatic Categorical Exclusion ([PCE](#)), Categorical Exclusion ([CE](#)), Draft Environmental Assessment ([DEA](#)), Draft Environmental Impact Statement ([DEIS](#)), Final EA, or Final EIS.
 - d) Provide VDOT Project Coordinator with copies of all technical study documents that support the environmental document. Also provide copies of all project-related correspondence. This will allow VDOT to certify that all environmental requirements have been met prior to advertisement and construction.
 - e) Provide VDOT Project Coordinator with the appropriate number of copies of the approved environmental document as identified during project scoping.
5. If the locality will be conducting archaeological investigations on State controlled R/W, a [Virginia Antiquities Act permit](#) is required from the Virginia Department of Historic Resources prior to the investigations.

APPENDIX G

6. Implement the NEPA commitments identified in the environmental document pertaining to project development (as well as environmental commitments made related to any other law, regulation or Executive Order).
7. Provide VDOT an opportunity to participate as a consulting party in any [Memorandum of Agreement](#) developed and executed in compliance with the [National Historic Preservation Act](#).
8. Prepare any post-NEPA documentation required by changes that occur during the development of the project.
9. Design project in accordance with Virginia [Erosion and Sediment Control](#) law and regulations, Virginia [stormwater management](#) law and regulations, Virginia [Pollutant Discharge Elimination System](#) permits and [Chesapeake Bay Preservation Act](#).
10. Secure all necessary water quality permits in the municipality's name and implement permit conditions, including but not limited to compensatory mitigation, project water quality monitoring, time of year restrictions, wildlife crossings, etc.
11. Complete Water Quality Permits and Natural Resource Due Diligence Certification form ([EQ-555](#)) and submit to VDOT Project Coordinator.
12. Perform Due Diligence assessment to determine the actual/potential presence of hazardous materials/wastes/substances for all properties to be acquired and/or used as R/W prior to the initiation of property acquisition.
13. Perform Due Diligence and Due Care activities identified in Due Diligence Certification form ([EQ-121](#)) and submit to VDOT Project Coordinator. Failure to perform Due Diligence and exert Due Care will result in the municipality assuming financial responsibility for any and all claims, demands, damages, losses, judgments, penalties, obligations, and liabilities (including without limitation, related reasonable legal and consulting fees and expenses) arising out of, or relating to, any pre-existing contamination to properties that constitute R/W for the project; and release the Commonwealth from and against any and all claims for contribution under CERCLA, and/or any other environmental law or regulation.
14. Present [noise findings](#) to VDOT Noise Abatement Committee as appropriate.

B. VDOT Shall:

1. Perform the administrative portion of the SERP.
2. Provide the SERP [PEI](#) to the Locality Project Manager.
3. Recommend level of NEPA documentation, in consultation with FHWA, during the Scoping Meeting to the Project Team for compilation of the NEPA concurrence form. Upon receipt of the NEPA Concurrence form from the VDOT Project Coordinator, the District Environmental Manager will coordinate with the lead Federal agency after review and solicit their participation in the study. This will entail notifying the federal agency of the project development milestones and inviting the federal agency to attend key meetings.
4. Review and comment to the VDOT Project Coordinator on the NEPA document compilation by the Locality.
5. Coordinate with the lead federal agency to publish the notice of intent in the case of Environmental Impact Statements (EIS).
6. Review the following items to ensure compliance with applicable federal and state requirements:
 - a) Verify the project's compliance with the Department's public involvement procedures as outlined in *The VDOT Location and Design Public Involvement Policy and Procedures* [Manual](#) as it relates to environmental requirements for public involvement.
 - b) Review the preliminary environmental document, provide comments to the Locality, and, as appropriate, coordinate with the Federal Highway Administration (FHWA).
 - c) Indicate state acceptance of the environmental document by signing and adopting the document as a VDOT product.
 - d) Recommend lead federal agency approval of the environmental document.
7. Receive copy of signed Water Quality Permits and Natural Resource Due Diligence Certification form ([EQ-555](#)) and copies of water quality permits from municipality.

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8. Receive copy of signed Hazardous Materials Due Diligence form ([EQ-121](#)) from municipality.
9. Review locality's [noise findings](#) through VDOT's Noise Abatement Committee as appropriate.
10. Conduct a Right-of-Way Re-evaluation ([EQ-201](#) upon initiation by VDOT Project Coordinator) after design approval and prior to Right-of-Way purchase authorization from FHWA. This will ensure Right-of-Way plans are consistent with the NEPA document.

II. Right-of-Way Acquired by Local Government

A. Locality Shall:

1. Perform necessary hazardous materials work and provide a signed copy of the "Hazardous Materials Due Diligence Certification ([EQ-121](#)) form to VDOT Project Coordinator.
2. Acquire R/W necessary to accommodate noise abatement, as per VDOT Noise Abatement Committee decision.

B. VDOT Shall:

1. Receive signed copy of "Hazardous Materials Due Diligence Certification" form from the Locality Project Manager to the VDOT District Environmental Manager.

III. Construction Administered by Local Government

A. Locality Shall:

1. Implement SERP construction commitments.
2. Implement all NEPA construction commitments.
3. Implement all water quality permit conditions.
4. Implement construction in accordance with approved [Erosion and Sediment Control](#) plan and [stormwater management](#) plan.
5. Have on-site construction inspector with Virginia Department of Conservation and Recreation [Erosion and Sediment Control inspector certification](#). Perform an Erosion and Sediment Control inspection every two weeks (minimum).
6. Make the necessary [notifications](#) to US Environmental Protection Agency for any "improvements" made to sinkholes to facilitate storm water drainage.
7. Include in the contract documents and enforce all special provisions and specifications related to the environment.

B. VDOT Shall:

1. Prior to approval for advertisement and construction, the VDOT District Environmental Manager will complete the Environmental Certification Checklist ([EQ-103](#)) and the PS&E Re-evaluation form ([EQ-200](#); upon initiation by VDOT Project Coordinator). This will ensure plans, specifications, and estimates on plans are consistent with the scope of the NEPA document and all commitments. This will allow FHWA to approve the plans, specifications, and estimates for advertisement.
2. Monitor the project in accordance with the Department's Environmental Monitoring Standard Operating Procedures to ensure environmental commitments identified as a result of SERP and NEPA are implemented.

State Funded Project Requirements:

I. Preliminary Engineering Performed by Local Government

A. Locality Shall:

1. Prepare and submit an electronic copy of the completed [Early Notification form](#) (EQ-429; see Appendix E) to begin the [State Environmental Review Process](#) (SERP) and any other necessary information to the VDOT Project Coordinator regarding the scope of the proposed project.
2. Implement the environmental commitments identified in the SERP Preliminary Environmental Inventory form ([PEI](#)) pertaining to the development of the project.
 - a) Provide VDOT Project Coordinator with a copy of all technical reports prepared to address environmental commitments. Also provide copies of all project-related correspondence. This will allow VDOT to certify that all environmental requirements have been met prior to advertisement and construction.
3. If the locality will be conducting archaeological investigations on State controlled R/W, a [Virginia Antiquities Act permit](#) is required from the Virginia Department of Historic Resources prior to the investigations.
4. Provide VDOT an opportunity to participate as a consulting party in any [Memorandum of Agreement](#) developed and executed in compliance with the [National Historic Preservation Act](#).
1. Design project in accordance with Virginia [Erosion and Sediment Control](#) law and regulations, Virginia [stormwater management](#) law and regulations, Virginia [Pollutant Discharge Elimination System](#) permits and [Chesapeake Bay Preservation Act](#).
5. Secure all necessary water quality permits in the municipality's name and implement permit conditions, including but not limited to compensatory mitigation, project water quality monitoring, time of year restrictions, wildlife crossings, etc.
6. Complete Water Quality Permits and Natural Resource Due Diligence Certification form ([EQ-555](#)) and submit to VDOT Project Coordinator.
7. Perform Due Diligence assessment to determine the actual/potential presence of hazardous materials/wastes/substances for all properties to be acquired and/or used as R/W prior to the initiation of property acquisition.
8. Perform Due Diligence and Due Care activities identified in Due Diligence Certification form ([EQ-121](#)) and submit to VDOT Project Coordinator. Failure to perform Due Diligence and exert Due Care will result in the municipality assuming financial responsibility for any and all claims, demands, damages, losses, judgments, penalties, obligations, and liabilities (including without limitation, related reasonable legal and consulting fees and expenses) arising out of, or relating to, any pre-existing contamination to properties that constitute R/W for the project; and release the Commonwealth from and against any and all claims for contribution under CERCLA, and/or any other environmental law or regulation.

A. VDOT Shall:

1. VDOT District Environmental Manager will perform the administrative portion of the SERP.
2. VDOT District Environmental Manager will provide the SERP [PEI](#) to the VDOT Project Coordinator. The VDOT Project Coordinator will provide the PEI to Locality Project Manager.
3. At the request of the VDOT Project Coordinator, the District Environmental Manager will provide technical guidance to the Locality Project Manager in the preparation of technical studies.
4. Receive copy of signed Water Quality Permits and Natural Resource Due Diligence Certification form ([EQ-555](#)) and copies of water quality permits from the locality.
5. Receive copy of signed Hazardous Materials Due Diligence form ([EQ-121](#)) from the locality.

II. Right-of-Way Acquired by Local Government

A. Locality Shall:

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1. Perform necessary hazardous materials work and provide a signed copy of the “Hazardous Materials Due Diligence Certification” (EQ-121) form to VDOT Project Coordinator ([EQ-121](#)).

B. VDOT Shall:

9. VDOT Project Coordinator will forward signed copy of “Hazardous Materials Due Diligence Certification” ([EQ-121](#)) from the Locality Project Manager to the VDOT District Environmental Manager.

III. Construction Administered by Local Government

A. Locality Shall:

1. Implement SERP construction commitments.
2. Implement all water quality permit conditions.
3. Implement construction in accordance with approved [Erosion and Sediment Control](#) and [stormwater management](#) plan.
4. Have on-site construction inspector with Virginia Department of Conservation and Recreation [Erosion and Sediment Control inspector certification](#). Perform an Erosion and Sediment Control inspection every two weeks (minimum).
5. Make the necessary [notifications](#) to US Environmental Protection Agency for any “improvements” made to sinkholes to facilitate storm water drainage.
6. Include in the contract documents and enforce all special provisions and specifications related to the environment.

B. VDOT Shall:

1. Prior to approval for advertisement and construction, the VDOT District Environmental Manager will complete the Environmental Certification Checklist ([EQ-103](#) initiated by VDOT Project Coordinator).
2. Monitor the project in accordance with the Department’s Environmental Monitoring Standard Operating Procedures to ensure environmental commitments identified as a result of SERP are implemented.

VDOT Publications for Project Development

The following manuals and policies are available from VDOT. Many can be viewed at www.virginiadot.org using the “business networks” tab.

VDOT Road and Bridge Standards

<http://www.virginiadot.org/business/locdes/road-and-bridge-standards.asp>

VDOT Road and Bridge Specifications

<http://www.virginiadot.org/business/const/spec-default.asp>

VDOT Instructional and Informational Memoranda

<http://www.virginiadot.org/business/locdes/rd-ii-memoranda-index.asp>

VDOT Road Design Manual

<http://www.virginiadot.org/business/locdes/rdmanual-index.asp>

VDOT Public Involvement Policy & Procedure Manual

<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/Public%20Involvement%20Manual/Public-Involvement-Manual.pdf>

VDOT Drainage Manual

<http://www.virginiadot.org/business/locdes/hydra-drainage-manual.asp>

VDOT CADD Manual

<http://www.extranet.vdot.state.va.us/locdes/caddman/html/frameset.htm>

VDOT Survey Manual

<http://www.virginiadot.org/business/locdes/manual-survey-index.asp>

VDOT Traffic Engineering Design Manual

<http://www.virginiadot.org/business/locdes/traffic-engineering-manual.asp>

VDOT Manuals of the Structure and Bridge Division – Volume V Series

<http://www.virginiadot.org/business/bridge-engineering.asp>

VDOT Materials Manual

<http://www.virginiadot.org/business/resources/bu-mat-MANUAL2004.pdf>

VDOT Post Construction Manual

http://www.virginiadot.org/business/const/resources/pc_manual.pdf

VDOT Underground Utilities Policy

<http://www.virginiadot.org/projects/resources/UrbanManual.pdf>

VDOT Lighting Policy

<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/iim/IIM231.pdf>

Policy for Integrating Bicycle and Pedestrian Accommodations

<http://www.virginiadot.org/infoservice/resources/draft%20bikeped%20plan.pdf>.

VDOT Inspection Manual

<http://www.virginiadot.org/business/const/resources/Inspection%20Manual.pdf>

VDOT Manual of Instructions, Right of Way and Utilities Division

Please contact Right of Way and Utilities Division for further information

VDOT Landscaping Procedures

Please contact Location & Design Division for further information

VDOT Construction Manual

<http://www.virginiadot.org/business/const/resources/2005%20Construction%20Manual.pdf>

2005 Manual for the Procurement of Professional Services

<http://www.vdot.virginia.gov/business/resources/gpmpps.pdf>

Urban Manual

<http://www.virginiadot.org/projects/resources/UrbanManual.pdf>

Enhancement Program Procedures Manual

http://www.virginiadot.org/projects/resources/2005_EnhancementManual%20_3_.pdf

DEPARTMENT OF TRANSPORTATION
INTER-DEPARTMENTAL MEMORANDUM
DESIGN EXCEPTION REQUEST

To: _____ Date: _____

From: _____

Subject: DESIGN EXCEPTION REQUEST

Prepared by: _____

State Project Number: _____ Federal Project Number: _____

County/City: _____ District: _____ Funding Source: _____

Description: _____ PPMS # _____

Design Exception Request For:

| | | |
|----------------------------|--|---------------------------|
| _____ Design Speed | _____ Horizontal Clearance* (other than "clear zone") | _____ Vertical Clearance* |
| _____ Bridge Width* | _____ Horizontal Alignment | _____ Vertical Alignment |
| _____ Lane Width | _____ Sight Distance | _____ Cross Slope |
| _____ Shoulder Width | _____ Superelevation | _____ Grade |
| _____ Structural Capacity* | _____ Interstate Access Control | _____ Other |

* These are typically requested by the Bridge designer.

Current ADT _____ **Design ADT** _____

VII. Posted Speed

% Trucks _____ Design Speed _____ **Speed** _____

Reduced Design Speed (if applicable) _____

Functional Classification _____

Minimum Design Standard _____ **Requested Dimensions** _____

Total estimated construction cost of project: _____
 (Based on approval of this exception)

Additional cost to meet minimum standard: _____

Background description of project:

(Include a description of the general characteristics of the existing highway focusing on the features relevant to the proposed exception. Provide a brief description of the adjacent highway segments, highlighting existing nonstandard features when relevant to the proposed exception.)

APPENDIX I

Purpose and need for exception, Why standards cannot be met:
(include any future plan to upgrade this exception to standard)

Accident history for the past 3 years:

Effect of design exception on safety:

Any mitigation of the substandard design element (s):

Submitted By: _____ Date _____

Remarks: _____

Recommended for Approval By: _____ Date _____

Remarks: _____

VDOT Approval By: _____ Date: _____
State Location and Design Engineer

VDOT Approval By: _____ Date: _____
State Structure and Bridge Engineer

FHWA Approval By: _____ Date _____

Remarks: _____

Project: _____
UPC ID: _____

[RIGHT OF WAY AND UTILITIES REVIEW CHECKLIST TO](#)
CONFIRM INCLUSION OF THE FOLLOWING ON RIGHT OF WAY PLANS:

NOTE: INDIVIDUAL LANDOWNERS ARE YET TO BE CONTACTED. CONTACT MAY RESULT IN FUTURE REVISIONS TO SUCH ITEMS AS LANDOWNER NAMES, PROPERTY LINES, TOPOGRAPHY AND REVISIONS IN DESIGN TO MITIGATE IMPACTS TO INDIVIDUAL PROPERTIES. IF NOT APPLICABLE, PLEASE LEAVE YES AND NO BOXES BLANK AND INDICATE N/A UNDER COMMENTS.

1. Termini correct and agree with PPMS

☐ YES ☐ NO

Comments:

2. Right of Way Data Sheet

☐ YES ☐ NO

Comments:

3. Plan note worded as "These plans are unfinished and are not to be used for any type of construction."

☐ YES ☐ NO

Comments:

4. Property owners' names, deed reference and acreage

☐ YES ☐ NO

Comments:

5. Parcel numbers, D-numbers, Sign numbers

☐ YES ☐ NO

Comments:

6. Existing right of way and/or prescriptive easement shown

☐ YES ☐ NO

Comments:

7. Existing utilities identified and located and utility companies listed on Sheet 3

☐ YES ☐ NO

Comments:

Project: _____
UPC ID: _____

8. Topography (i.e., property and lot lines, cemeteries, septic systems, wells, landscaping, fences, above ground improvements, underground storage facilities, etc.)

☐ YES ☐ NO

Comments:

9. Affected structures and other improvements clearly located and identified, including those beyond the project limits but impacted by the acquisition

☐ YES ☐ NO

Comments:

10. Entrances (existing and proposed entrances, including alignments, grades and impact)

☐ YES ☐ NO

Comments:

11. Prior recommendations by Right of Way and Utilities Division have been incorporated in the plans

☐ YES ☐ NO

Comments:

12. Proposed right of way and proposed easements, including utility easements

☐ YES ☐ NO

Comments:

13. Metes and bounds surveys furnished for proposed rights of way/easements on properties as required for special properties (refer to *Design Manual* for specific section that addresses this issue)

☐ YES ☐ NO

Comments:

14. Mitigation/storm water management areas identified during scoping/PFI and Public Hearing are clearly labeled (this should be verified with the Environmental Division)

☐ YES ☐ NO

Comments:

15. Sound wall assessment complete and walls/easements located on plans (this should be verified with the Environmental Division)

☐ YES ☐ NO

Comments:

Project: _____
UPC ID: _____

16. Traffic control/signalization right of way/easements and roadway lighting identified (this should be verified with the Traffic Engineering Division)

☐ YES ☐ NO

Comments:

17. Entire property is shown for purchase of residue

☐ YES ☐ NO

Comments:

18. Total take/total acquisition properties shown in their entirety

☐ YES ☐ NO

Comments:

19. Proffers and dedications indicate on plans (Land Development review)

☐ YES ☐ NO

Comments:

CRITERIA CHECKLIST FOR CONTRACT LETTING OR ADVERTISEMENT

Date:

District Administrator:

District Address

Project Number

Locality:

Subject: Project Certification

Dear District Administrator:

Reference is made to the master agreement between the _____ of _____ and the Virginia Department of Transportation (VDOT) dated _____. This will certify that all right of way has been obtained and that the locality has legal right of entry onto each and every parcel for the advertisement and construction of Project _____. Also, this will certify that all affected utilities have been relocated or companies authorized to relocate their facilities. If not, they are included as in-plan work to be performed by the road contractor.

This project consists of: (complete description from beginning to end of the location and the type of project, i.e. relocation of families and businesses, curb and gutter, intersection improvement, etc.)

In addition, to the best of our knowledge, there are no contaminants within the soil on the right of way within the referenced project limits.

Further, all the right of way was acquired in accordance with (VDOT) Right of Way and Utilities Manuals of instruction. Any exceptions have been previously approved in writing by VDOT. (If Federal Funds participated in this project reference to FHWA requirements should also be included.)

Attached is information confirming the right of way and utilities processes used.

City Manager, County Manager, or Director of Public Works

Date

LOCALITY CERTIFICATION
PROCESS VERIFICATION

Right of way obtained by. (If by Consultant, required procurement procedures were followed.)

STAFF _____ CONSULTANT _____

Appraisals Reviewed by Licensed Appraiser other than person performing the appraisal and approved for negotiations by _____,
Title _____.

YES _____ NO _____

Owners provided copy of approved Appraisal and Certified Title Report showing all persons with interests in land and all lien holders.

YES _____ NO _____

Plans fully explained to owner including profiles, if applicable, and copies given to owner.

YES _____ NO _____

If offer not accepted at first meeting, owner provided reasonable period to consider offer.

YES _____ NO _____

If offer refused, condemnation process was explained to owner.

YES _____ NO _____

Owners/Tenants fully informed of relocation benefits.

YES _____ NO _____ N/A _____

All displaced owners/tenants have been properly relocated and compensated in accordance with law

YES _____ NO _____

All environmental issues have been identified, addressed and resolved.

YES _____ NO _____

APPENDIX L

FEDERAL CRITERIA FOR CONSTRUCTION AUTHORIZATION

WORK TO BE ACCOMPLISHED BY: _____

STATE PROJECT#: _____

FEDERAL PROJECT #: _____

UPC: _____

I certify for the subject project the following critical items have been checked and that we are advertising Federal Aid Projects in accordance with Federal Aid Requirements.

1. Project construction estimate included in correct year of STIP/TIP (MPO) **YES**
2. **An approved environmental document and all identified environmental commitments have been included into the plans and proposals. YES**
3. All permits have been obtained. **YES or NONE** (circle one)
4. **All design is in accordance with appropriate design criteria. YES**
5. All Right of Way is clear or will be clear prior to project execution, R/W Certificate **??** dated **Month, Day, Year.**
6. All Utility and Railroad relocations and certification have been included appropriately, or satisfactory arrangements have been made. **N/A or YES** (circle one)
7. The project meets the requirements of VDOT's Public Involvement Manual (approved by FHWA) in regards to the public hearing process. **YES**
8. All appropriate Federal Aid Project information, including Minimum Wage Rates and EEO provisions have been included. **YES**
9. Hazardous wastes have been identified when appropriate, and provisions are provided within the proposal for their safe disposal. **YES**

SIGNATURE

DATE

PROCUREMENT CHECK LIST**For items below, check if present**

1. _____ Specifications
2. _____ Bidders Mailing List
3. _____ List of Bids Received
4. _____ Original Bids Returned, including no bids: # _____
5. _____ Proposal Bond (AS-66)
Signatures: Principal _____ Surety Agent _____
6. _____ Standard Performance Bond/Payment Bond
7. _____ Proof of Insurance Contractor's License Number _____
8. _____ Price Reasonableness Determination For One Bid
9. _____ Sole Source Documentation – Public Notice
10. _____ Emergency Documentation – Public Notice
11. _____ Late Bid Letters
12. _____ Unsigned Bid Letters
13. _____ Rejection Letters
14. _____ Addenda
15. _____ Bid Cancellation Letters

Signature _____

Advertisement & Award for Construction

Projects Requiring Concurrence to Advertise & Award

Submittal for Review

The following must be received by VDOT's Project Coordinator 60-90 days prior to advertisement.

- Bid Documents
- Estimate
- Complete set of plans

Submission of Finalized Documents for Projects Requesting Concurrence to Advertise

The locality shall ensure that VDOT's Project Coordinator has received the following information in order for it to be submitted to Scheduling and Contract Division **no less than 20 business days** prior to advertisement.

- Request for authorization to advertise the project
- Engineer's Estimate with Cost Summary
- Copy of the proposal
- Complete set of plans
- Certification of compliance with the Va. Procurement Code and Code of Federal Regulations
- ***FHWA Certifications (Appendix L)***

Submission of Documents for Projects Requiring Concurrence to Award

After receipt of bids the locality shall ensure that VDOT's Project Coordinator has received the following information in order for it to be submitted to Scheduling and Contracts **no less than 20 business days** prior to CTB Meeting.

- Narrative description of the project purpose. One paragraph in layperson's language
- Detailed explanation if recommending a bid for award if over the Engineer's Estimate
- Tabulation of contractor's prices with Engineer's Estimate
- Cost Summary based on the Contractor's Bid
- ***All Federally funded projects require FHWA concurrence to award prior to execution of project***

Note: Complicated projects may necessitate that an engineer representing the locality attend the CTB meeting to answer questions about the project.

Italicized items apply only to federal projects

Example of Cost Summary

(Based on EE for advertisement) (Based on Contractor's bid for award)
 (CONFIDENTIAL, FOIA EXEMPT - when based on Engineer's Estimate)

City/County:

Route:

Project Number:

UPC Number:

Federal Number:

| TYPE CODE | TOTAL COST | FHWA FUNDS | PERCENTAGE |
|-----------|------------|------------|------------|
| | \$0.00 | \$0.00 | ___ % |
| | \$0.00 | \$0.00 | ___ % |
| TOTAL | \$0.00 | \$0.00 | |

Please consult with the Project Coordinator to determine the applicable TYPE CODE

Applicable Type Codes are available on the VDOT Scheduling and Contracting Web-site
http://www.virginiadot.org/business/const/resources/FHWA_Improvement_Type_Codes.pdf

CIVIL RIGHTS DIVISION
REQUIREMENTS FOR THE
LOCALLY ADMINISTERED PROJECTS
(FEDERAL PROJECTS)

The LOCALITY, its agents, employees, assigns or successors, and any person, firm, or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of the Virginia Fair Employment Contracting Act, Sections 2.2-4200 through 2.2-4201 of the Code of Virginia, as amended. During the performance of this Agreement, the LOCALITY agrees as follows:

- a. The LOCALITY will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the LOCALITY. The LOCALITY agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, including the names of all contracting agencies with which the LOCALITY has agreements of over ten thousand dollars.
- b. The LOCALITY will, in all solicitations or advertisements for employees placed by or on behalf of the LOCALITY, state that the LOCALITY is an equal opportunity employer; provided, however, that notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

The LOCALITY will include the provisions of the foregoing paragraphs "a" and "b" in every subcontract or purchase order of over ten thousand dollars, so that such provisions will be binding upon each subcontractor or vendor. Nothing contained in this section shall be deemed to empower any agency to require any LOCALITY to grant preferential treatment to, or discriminate against, any individual or any group because of race, color, religion, sex or national origin on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex or national origin employed by such LOCALITY in comparison with the total number or percentage of persons of such race, color, religion, sex or national origin in any community or in the Commonwealth.

NON-DISCRIMINATION PROVISION: The LOCALITY agrees to abide by the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (42 USC 2000e), which prohibits discrimination against any employee or applicant for employment, or any applicant or recipient of services, on the basis of race, religion, color, sex or national origin; and further agrees to abide by Executive Order No. 11246 entitled "Equal Employment Opportunity," as amended by Executive Order No. 11375 and as supplemented in the Department of Labor Regulations (41 CFR Part 60), which prohibit discrimination on the basis of age. Sections 49 CFR 21 and 26 CFR 710.405(b) are incorporated by reference in all contracts and subcontracts funded in whole or in part with federal funds. The LOCALITY shall comply with the Americans with Disabilities Act (ADA), and with the provisions of the Virginians with Disabilities Act, Sections 51.5-40 through 51.5-46 of the Code of Virginia, as amended, the terms of which are incorporated herein by reference.

In the event of the LOCALITY'S noncompliance with the nondiscrimination provisions of this Agreement, the DEPARTMENT shall impose such contract sanctions as it or the Federal

APPENDIX O

Highway Administration (FHWA) may determine to be appropriate, including but not limited to:

- a. withholding of payments to the LOCALITY under this Agreement until the LOCALITY complies; and/or
- b. cancellation, termination or suspension of this Agreement, in whole or in part.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964: During the performance of this Agreement, the LOCALITY, for itself, its assignees and successors in interest, agrees as follows:

- a. Compliance with Regulations: The LOCALITY will comply with the Regulations of the United States Department of Transportation relative to nondiscrimination in Federally-assisted programs of the United States Department of Transportation (Title 49), Code of Federal Regulations, Part 21, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- b. Nondiscrimination: The LOCALITY with regard to the services provided by it after award and prior to completion of this Agreement, will not discriminate on the grounds of race, color, sex, national origin, age or handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The LOCALITY will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the services covers a program set forth in Appendix B of the Regulations.
- c. Solicitations for Subcontractors: In all solicitations, either by competitive bidding or negotiation made by the LOCALITY for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the LOCALITY of their obligations under this Agreement.
- d. Information and Reports: The LOCALITY will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the DEPARTMENT or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the LOCALITY is in the exclusive possession of another who fails or refuses to furnish this information, the LOCALITY shall so certify to the DEPARTMENT, or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. Incorporation of Provisions: The LOCALITY will include the provisions of paragraphs "a" through "d" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, order or instructions issued pursuant thereto. The LOCALITY will take such action with respect to any subcontractor or procurement as the DEPARTMENT or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, in the event the LOCALITY becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the LOCALITY may request the DEPARTMENT to enter into such litigation to protect the interests of the DEPARTMENT and, in addition, may request the United States to enter into such litigation to protect the interests of the United States.

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CERTIFICATION REGARDING NON-SEGREGATED FACILITIES: By the execution of this Agreement, the LOCALITY certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. It certifies further that it will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it will not permit its employees to perform their services at any location under its control, where segregated facilities are maintained. The LOCALITY further certifies that no employee will be denied access to adequate facilities on the basis of sex or disability. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, national origin, age or handicap, because of habit, local custom or otherwise. It agrees that, except where it has obtained identical certification from proposed subcontractors and material suppliers for specific time periods, it will obtain identical certification from proposed subcontractors or material suppliers prior to the award of subcontracts or the consummation of material supply agreements exceeding ten thousand dollars, and that it will retain such certifications in its files.

TDD/TTY EQUIPMENT FOR THE DEAF: When seeking public participation through the maintenance of a toll free hot line number and/or publishing project-related materials, the LOCALITY agrees to ensure that all citizens have equally effective communication. The LOCALITY agrees to provide or identify a telecommunications device for the deaf/teletypewriter (TDD/TTY) or acceptable means of telephone access for individuals with impaired speech or hearing. The LOCALITY will provide notice of a TDD/TTY number whenever a standard telephone number is provided.

GOAL SETTING PROCESS

DISADVANTAGED BUSINESS ENTERPRISES: The LOCALITY, its agents, employee, assigns, or successors, and any person, firm or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of 49 CFR, Part 26 and Part 23, as amended, which is hereby made part of this Agreement by reference. The LOCALITY shall take all necessary and reasonable steps in accordance with 49 CFR, Part 26 and Part 23, as amended, to ensure that DBEs have equal opportunity to compete for and perform on contracts and subcontracts under this Agreement.

A Disadvantaged Business Enterprise ("DBE") is a business certified in accordance with the guidelines of 49 CFR, Part 26 and Part 23, as amended, by the United States Department of Transportation designated and approved agency. A listing of certified firms can be located at www.DMBE.state.va.us or by contacting the Department of Minority Business Enterprise, 200-202 9th Street, 11th Floor, Richmond, Virginia 23219, or by calling (804) 786-6585.

The District Civil Rights Office (DCRO) in accordance with established Department policy establishes DBE contract goals.

CONSTRUCTION: The LOCALITY will submit the detail estimate for the proposed project, which includes work activities and their associated costs, and the final total cost assigned to the project, to the DCRO no later than two months prior to advertisement, in order that DBE goals can be established. Once the project has been advertised and bids received by the LOCALITY,

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the LOCALITY will forward the DBE information regarding DBE participation commitment from the lowest responsive and responsible bidders to the DCRO for review and recommendations regarding award of the project. The award of all bids must adhere to federal regulations, as promulgated in 49 CFR, Part 26, Part 23 and the DEPARTMENT'S Special Provision for Section 110.04 of the Specifications relative to 'good faith efforts' by contractors in making the required DBE participation. Prior to award, contractors are expected to achieve the DBE goal or demonstrate that a good faith effort has been made to achieve the goal. After award, the LOCALITY will submit a copy of the signed contract and supporting DBE information to the DCRO.

All contractors that fail to meet the DBE goal are subject to review by the DEPARTMENT to determine whether a 'good faith effort' was made as outlined in 49 CFR, Parts 26.53 and Special Provision 110.04. The locality is responsible for ensuring that the contractor achieves the goal or demonstrates that a good faith effort has been made. After award, in the event of the LOCALITY'S noncompliance with the provisions of this part, the DEPARTMENT shall impose such contract sanctions as it or the Federal Highway Administration (FHWA) may determine to be appropriate, including but not limited to:

- a. withholding of payments to the LOCALITY under this Agreement until the LOCALITY complies; and/or
- b. cancellation, termination or suspension of this Agreement, in whole or in part.

PROFESSIONAL SERVICES: The LOCALITY will submit information for the service(s) to be performed to include scope of work, reporting requirements, and duration of contract, no later than two months prior to release of Request for Proposals (RFP) to the DCRO for review, in order that a DBE goal can be established. Once the RFP has been advertised and responses received, the LOCALITY will forward to the DCRO, the results of evaluation of the proposals received to include firm data sheet, DBE subcontracting plan, letter indicating DBE agreement to perform work, and rating criteria for determining good faith effort relative to the attainment of the DBE goal. The DCRO will recommend selection of bidder for award. The award of bids must adhere to the federal regulations, as promulgated in 49CFR, Part 26, Part 23 and the DEPARTMENT'S Special Provision for Section 110.04 of the Specifications relative to 'good faith efforts' by contractors in making the DBE participation. After the contract is awarded, the LOCALITY will submit a copy of the signed consultant agreement. The locality is responsible for ensuring that the contractor achieves the goal or demonstrates that a good faith effort has been made. After award, in the event of the LOCALITY'S noncompliance with the provisions of this part, the DEPARTMENT shall impose such contract sanctions as it or the Federal Highway Administration (FHWA) may determine to be appropriate, including but not limited to:

- a. withholding of payments to the LOCALITY under this Agreement until the LOCALITY complies; and/or
- b. cancellation, termination or suspension of this Agreement, in whole or in part.

COMPLIANCE MONITORING

The LOCALITY must take every reasonable step to ensure that DBEs committed to perform work under contract perform a commercially useful function ("CUF"). It is the DEPARTMENT'S responsibility to determine compliance with the commercially useful function requirement. The requirements are described in 49 CFR Part 26.55. The DCRO will monitor construction activity to ensure that DBE firms are performing work in accordance with federal

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regulations. The DCRO will conduct DBE Compliance Reviews on each DBE firm performing work for participation credit/goal attainment on each project.

The LOCALITY will ensure that the DCRO receives copies of all contracts awarded and DBE subcontracts, which will initiate the monitoring process. Compliance monitoring includes: site visits, review of documents such as material tickets, subcontracts, lease agreements, etc. and any other information needed to render a compliance determination.

MONITORING PAYMENTS TO DBE FIRMS

VDOT requires that the LOCALITY maintain records and documents of payments to DBE firms for the performance of their contract or subcontract. At a minimum, these records must consist of type of work DBE firm performed, dates of work, dollar amount paid for work, and on what date payment was made. These records must be submitted on a MONTHLY basis to the DCRO for each locality. Documentation should be submitted on form C-63A.

The LOCALITY will ensure that all DBE firms are paid promptly in accordance with 49 CFR Part 26.29. The DEPARTMENT'S prompt pay guidelines are indicated in the DBE Program Plan.

The LOCALITY will maintain records and documents verifying DBE firms awarded contracts and subcontracts to include: name of DBE firm, indicating if firm is a certified minority or woman owned firm, type of work and dollar value of contract or subcontract and dates work was performed.

ON THE JOB TRAINING ("OJT") PROGRAM: The LOCALITY, its agents, employees, assigns, or successors, and any person, firm or agency of whatever nature with whom it may contract or make an agreement, shall comply with the special training provisions in accordance with 23 CFR, Part 230.107(b), as amended, which is hereby made part of this Agreement by reference. The LOCALITY shall take all necessary and reasonable steps to ensure training and upgrading of minorities, women, veterans, and other disadvantaged persons toward achieving journeymen status within a given construction trade. The program seeks to reduce overhead costs associated with training through a stipend reimbursement to the contractor while offering the opportunity to enhance short and long-term workforce needs. The current OJT reimbursement rate is three dollars per trainee hour.

The OJT program requires full utilization of all available training and skill-improvement opportunities to assure the increased participation of minority groups and disadvantaged persons and women in all phases of the highway construction industry. It is the intent that each contractor's workforce and construction site should reflect the same diversity as the community.

TRAINEE GOALS

The DCRO will set a trainee goal on all federally assisted contracts in accordance with guidelines outlined in 23 CFR, Part 230, Parts 111, 113 and 117. The DCRO will determine the trainee goal prior to advertisement. The DCRO will approve all trainee enrollments to ensure that disadvantaged persons are given opportunities for training utilizing form C-65. Trainee work classifications and the requirements of each will follow those already developed by the DEPARTMENT and the Virginia Transportation Construction Alliance ("VTCA"). Copies of the OJT Trainee Classification Handbook can be obtained by contacting the DCRO.

MONITORING OF OJT PROGRAM

VDOT requires that the LOCALITY maintain records and documents of trainee enrollments to include: name of trainee, sex, gender, trainee work classification, hourly wage rates, start date, completion date and wage increments as training progressed. This information will include reason(s) trainees do not complete the training program and number of dropouts and terminations prior to completion of the training program. WEEKLY trainee records will be submitted to the DCRO on form C-67.

The LOCALITY will compile OJT records and submit them on a quarterly basis to the appropriate DCRO for each locality. Documentation will be submitted no later than the first day of the first month following the federal fiscal year quarter, which commences October 1st. The LOCALITY will submit an annual report to the appropriate DCRO no later than the third of each January for the preceding calendar year.

The LOCALITY will maintain records and documents supporting the reimbursements to contractors for each trainee hour achieved via the OJT program. These records will include: contractor's name, project number, location of project, trainee goal for the contract, name of trainee(s), trainee(s) work classifications, number of hours completed by each trainee(s), and dollar amount paid to the contractor. Civil Rights Division Trainee Certificates will be presented to each trainee completing the OJT program. It is recommended that copies of these certificates be part of the OJT trainee records.

CONTRACTOR COMPLIANCE: The LOCALITY will ensure that all contractors and subcontractors awarded work will meet contractual Equal Opportunity ("EO") requirements under Executive Order 11246, as amended, 23 U.S. C., FHWA-1273 (23 CFR, Parts 633), Section 110.03 (Equal Employment Opportunity) of Roads and Bridges Specifications and Title VI of the Civil Rights Act of 1964, as amended. All contractors and subcontractors will submit to the DCRO the required information to include the EO Policy, EO Liaison Officer, company employment (C-64) and monthly project site employment reports (C-57) as indicated in Section 110.03 of Roads and Bridges Specifications.

The DCRO will monitor for adherence to Contractor Compliance as outlined in 23 CFR, Part 230.409, 411, and 413.

The LOCALITY will forward copies of all awarded contracts to the appropriate DCRO to initiate the monitoring process. The monitoring process includes: project site visits, employee interviews, and review of documentation (subcontracts, lease agreements, material tickets, etc.). Formal Contractor Compliance EO Reviews will be conducted by the DCRO as needed. Guidance for conducting compliance reviews is provided in the Contract Compliance Plan (Part I of Affirmative Action Plan) approved by the Federal Highway Administration in 2002. Copies of the Plan can be obtained from the DCRO.

REPORTING: The LOCALITY, its contractors and subcontractors having a contract or subcontract of at least \$10,000 or more is required to submit an annual employment report to the DCRO in accordance with 23 CFR, Part 230.21. The report reflects all employees on site during the third week of each month of July during which work is performed. This information will be submitted to the DCRO on form C-57 indicating number of employees in each work classification, their race and sex. All employees on site must be accounted for to include men and women, both journeymen level, trainees and apprentices.

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The annual employment report will be submitted to each DCRO for each federally assisted project no later than the second week of each August.

RECORD KEEPING: The LOCALITY will maintain all records pertaining to the individual projects for five years after completion of each project. Records shall include but not be limited to contracts, subcontractors, purchase orders, material delivery tickets, lease agreements, joint check agreements, payments made to contractors, inspections and permits. This is in accordance with federal guidelines.

The LOCALITY shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, and other sources of information, and its facilities as may be determined by the DEPARTMENT or the FHWA to be pertinent to ascertain compliance with such regulations, orders and requirements.

The Department's Civil Rights Division or Office of Inspector General or FHWA will perform audits as needed to ensure compliance with all Guidelines.

CIVIL RIGHTS DIVISION
REQUIREMENTS FOR THE
LOCALLY ADMINISTERED PROJECTS
(STATE PROJECTS)

VIRGINIA FAIR EMPLOYMENT CONTRACTING ACT: The RECIPIENT, its agents, employees, assigns or successors, and any person, firm, or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of the Virginia Fair Employment Contracting Act, Sections 2.2-4200 through 2.2-4201 of the Code of Virginia (1950), as amended. During the performance of this Agreement, the RECIPIENT agrees as follows:

- a. The RECIPIENT will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the RECIPIENT. The RECIPIENT agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, including the names of all contracting agencies with which the RECIPIENT has Agreements of over ten thousand dollars.
- b. The RECIPIENT will, in all solicitations or advertisements for employees placed by or on behalf of the RECIPIENT, state that the RECIPIENT is an equal opportunity employer; provided, however, that notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

The RECIPIENT will include the provisions of the foregoing paragraphs "a" and "b" in every subcontract or purchase order of over ten thousand dollars, so that such provisions will be binding upon each subcontractor or vendor. Nothing contained in this section shall be deemed to empower any agency to require any RECIPIENT to grant preferential treatment to, or discriminate against, any individual or any group because of race, color, religion, sex or national origin on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex or national origin employed by such RECIPIENT in comparison with the total number or percentage of persons of such race, color, religion, sex or national origin in any community or in the Commonwealth.

NON-DISCRIMINATION PROVISION: The RECIPIENT agrees to abide by the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (42 USC 2000e), which prohibits discrimination against any employee or applicant for employment, or any applicant or recipient of services, on the basis of race, religion, color, sex or national origin; and further agrees to abide by Executive Order No. 11246 entitled "Equal Employment Opportunity," as amended by Executive Order No. 11375 and as supplemented in the Department of Labor Regulations (41 CFR Part 60), which prohibit discrimination on the basis of age. Sections 49 CFR 21 and 26 CFR 710.405(b) are incorporated by reference in all contracts and subcontracts funded in whole or in part with federal funds. The RECIPIENT shall comply with the Americans with Disabilities Act (ADA), and with the provisions of the Virginians with Disabilities Act, Sections 51.5-40 through 51.5-46 of the Code of Virginia (1950), as amended, the terms of which are incorporated herein by reference.

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In the event of the RECIPIENT'S noncompliance with the nondiscrimination provisions of this Agreement, the Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

- a. withholding of payments to the RECIPIENT under this Agreement until the RECIPIENT complies; and/or
- b. **cancellation, termination or suspension** of this Agreement, in whole or in part.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964: During the performance of this Agreement, the RECIPIENT, for itself, its assignees and successors in interest (herein referred to as "the RECIPIENT"), agrees as follows:

- a. **Compliance with Regulations:** The RECIPIENT will comply with the Regulations of the U.S. Department of Transportation relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (Title 49), Code of Federal Regulations, Part 21, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- b. **Nondiscrimination:** The RECIPIENT with regard to the services provided by it after award and prior to completion of this Agreement, will not discriminate on the grounds of race, color, sex, national origin, age or handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The RECIPIENT will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the services covers a program set forth in Appendix B of the Regulations.
- c. **Solicitations for Subcontractors:** In all solicitations, either by competitive bidding or negotiation made by the RECIPIENT for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the RECIPIENT of the RECIPIENT'S obligations under this Agreement.
- d. **Information and Reports:** The RECIPIENT will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the RECIPIENT is in the exclusive possession of another who fails or refuses to furnish this information, the RECIPIENT shall so certify to the Department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. **Sanctions for Noncompliance:** In the event of the RECIPIENT'S noncompliance with the nondiscrimination provisions of this Agreement, the Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:
 - 1) withholding of payments to the RECIPIENT under this Agreement until the RECIPIENT complies, and/or
 - 2) **cancellation, termination or suspension of this Agreement**, in whole or in

part.

- f. Incorporation of Provisions: The RECIPIENT will include the provisions of paragraphs "a" through "e" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, order or instructions issued pursuant thereto. The RECIPIENT will take such action with respect to any subcontractor or procurement as the Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, in the event the RECIPIENT becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the RECIPIENT may request the Department to enter into such litigation to **protect the** interests of the Department and, in addition, the RECIPIENT may request the United States to enter into such litigation to **protect the** interests of the United States.

CERTIFICATION REGARDING NON-SEGREGATED FACILITIES: By the execution of this Agreement, the RECIPIENT certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. It certifies further that it will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it will not permit its employees to perform their services at any location under its control, where segregated facilities are maintained. The RECIPIENT further certifies that no employee will be denied access to adequate facilities on the basis of sex or disability. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, national origin, age or handicap, because of habit, local custom or otherwise. It agrees that, except where it has obtained identical certification from proposed subcontractors and material suppliers for specific time periods, it will obtain identical certification from proposed subcontractors or material suppliers prior to the award of subcontracts or the consummation of material supply agreements exceeding ten thousand dollars, and that it will retain such certifications in its files.

TDD/TTY EQUIPMENT FOR THE DEAF: When seeking public participation through the maintenance of a toll free hot line number and/or publishing project-related materials, the RECIPIENT agrees to ensure that all citizens have equally effective communication. The RECIPIENT agrees to provide or identify a telecommunications device for the deaf/teletypewriter (TDD/TTY) or acceptable means of telephone access for individuals with impaired speech or hearing. The RECIPIENT will provide notice of a TDD/TTY number whenever a standard telephone number is provided.

DISADVANTAGED BUSINESS ENTERPRISES: The RECIPIENT, its agents, employees, assigns, or successors, and any person or firm or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of Section 110.04 Roads and Bridges Specification pertaining to the Use of Minority Business Enterprises. The RECIPIENT will take all necessary and reasonable steps to ensure that minority/female owned firms have the maximum opportunity to compete for and perform contracts and subcontracts under this Agreement.

A Disadvantaged Business Enterprise ("DBE") is a business certified in accordance with the guidelines of 49 CFR, Part 26, as amended, by the United States Department of Transportation

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designated and approved agency. A listing of certified firms can be located at www.DMBE.state.va.us or by contacting the Department of Minority Business Enterprises, 200-202 9th Street, 11th Floor, Richmond, Virginia 23219, or by calling (804) 786-6585.

REPORTING

The RECIPIENT will provide the Departments' DCRM with information on each certified minority or female owned firm contracted or subcontracted work. This information will include: name of firm, type of certified firm, type of work performed, dates of work, dollar value of contract/subcontract and dates payment was made for work. This information needs to be maintained and submitted to the appropriate DCRM no later than the first day of the first month of federal fiscal quarter commencing on October 1st.

ON THE JOB TRAINING (OJT) PROGRAM: The RECIPIENT, its agents, employees, assigns, or successors, and any person, firm or agency of whatever nature with whom it may contract or make an agreement, shall comply with the special training provisions in accordance with Section 518 of Roads and Bridges Specifications. The RECIPIENT shall take all necessary and reasonable steps to ensure training and upgrading of minorities, women, veterans, and other disadvantaged persons toward achieving journeymen status within a given construction trade. The program seeks to reduce overhead costs associated with training through a stipend reimbursement to the contractor while offering the opportunity to enhance short and long term workforce needs. The current OJT reimbursement rate is three dollars per trainee hour.

The OJT program requires full utilization of all available training and skill-improvement opportunities to assure the increased participation of minority groups and disadvantaged persons and women in all phases of the highway construction industry. It is the intent that each contractor's workforce and construction site should reflect the same diversity as the community.

TRAINEE GOALS

The DCRM will set a trainee goal in accordance with guidelines outlined in Section 518 of Roads and Bridges Specifications on each project. The RECIPIENT will contact the DCRM prior to the advertisement of the contract to obtain the trainee goal. The DCRM will approve all trainee enrollments to ensure that disadvantaged persons are given opportunities for training. Trainee work classifications and the requirements of each will follow those already developed by the Virginia Transportation Construction Alliance (VTCA). Copies of the OJT Trainee Classification Booklet can be obtained by contacting the DCRO.

MONITORING OF OJT PROGRAM

VDOT requires that the RECIPIENT maintain records and documents of trainee enrollments to include: name of trainee, sex, gender, trainee work classification, hourly wage rates, start date, completion date and wage increments as training progressed. This information will include reason(s) trainees do not complete the training program and number of drop-outs and terminations prior to completion of the training program.

The RECIPIENT will compile OJT records and submit them on a quarterly basis to the appropriate District Civil Rights Manager for each locality. Documentation will be submitted no

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later than the first day of the first month following the federal fiscal year quarter, which commences October 1st. The RECIPIENT will submit an annual report to the appropriate District Civil Rights Manager no later than the third of each January for the preceding calendar year.

The RECIPIENT will maintain records and documents supporting the reimbursements to contractors for each trainee hour achieved via the OJT program. These records will include: contractor's name, project number, location of project, trainee goal for the contract, name of trainee(s), trainee(s) work classifications, number of hours completed by each trainee(s), and dollar amount paid to the contractor. Trainee Certificates will be presented to each trainee completing the OJT program. It is recommended that copies of these certificates be part of the OJT trainee records.

CONTRACTOR COMPLIANCE

The RECIPIENT will ensure that all contractors and subcontractors awarded work will meet contractual Equal Opportunity requirements under Section 110.03 (Equal Employment Opportunity) of Roads and Bridges Specifications and Title VI of the Civil Rights Act of 1964, as amended. All contractors and subcontractors will submit to the DCRM the required information such as EO Policy, EO Liaison Officer, company employment and monthly project site employment reports as indicated in Section 110.03.

The Virginia Department of Transportation Civil Rights Division will monitor for adherence to Contractor Compliance.

The RECIPIENT will forward copies of all awarded contracts to the appropriate DCRM to initiate the monitoring process. The monitoring process includes: project site visits, employee interviews, and review of documentation (subcontracts, lease agreements, material tickets, etc.). Formal Contractor Compliance Equal Opportunity Reviews will be conducted by the DCRM as needed.

REPORTING

The RECIPIENT, its contractors and subcontractors having a contract or subcontract of at least \$10,000 or more is required to submit a monthly employment report the first three months after construction begins and an annual employment report to the CRD in accordance with Section 110.03 of Roads and Bridges Specifications. This information will be submitted to the DCRM indicating number of employees in each work classification, their race and sex. All employees on site must be accounted for to include men and women, both journeymen level, trainees and apprentices.

The monthly reports will be submitted to each DCRM no later than the fifth of the month reflecting the previous months project site representation.

The annual employment report will be submitted to each DCRM for each state project no later than the second week of each August and should reflect all employees on site during the third week of July during which work is performed.

All reports indicating race will reflect the categories specified in Section 110.04 of Roads and Bridges Specifications.

RECORD KEEPING

The LOCALITY will maintain all records pertaining to the individual projects for three years after completion of each project. Records shall include but not be limited to contracts, subcontractors, purchase orders, material delivery tickets, lease agreements, joint check agreements, payments made to contractors, inspections, and permits. This is in accordance with the Department's Record Retention Schedule.

The LOCALITY shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, and other sources of information, and its facilities as may be determined by the DEPARTMENT to be pertinent to ascertain compliance with such regulations, orders, and requirements.

The Department's Civil Rights Division or Office of Inspector General Auditing Division will perform audits as needed to ensure compliance with all guidelines.